



Ordinary Meeting of Council

Thursday 28 April 2022

4.00pm

Council Chambers

209 Comur Street, Yass

ATTACHMENTS TO LATE REPORTS

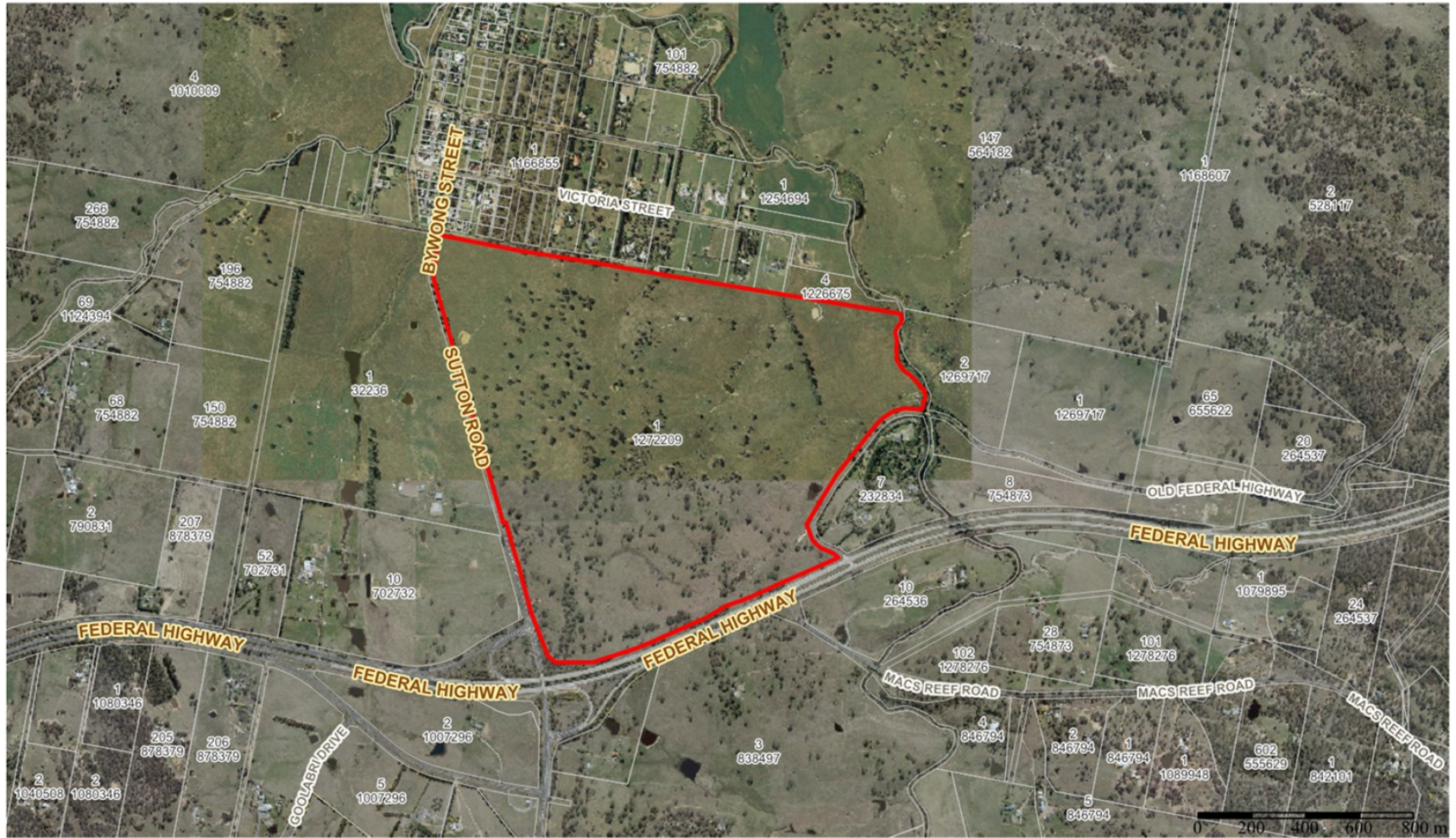
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Ordinary Meeting of Council

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yass valley council
the country the people

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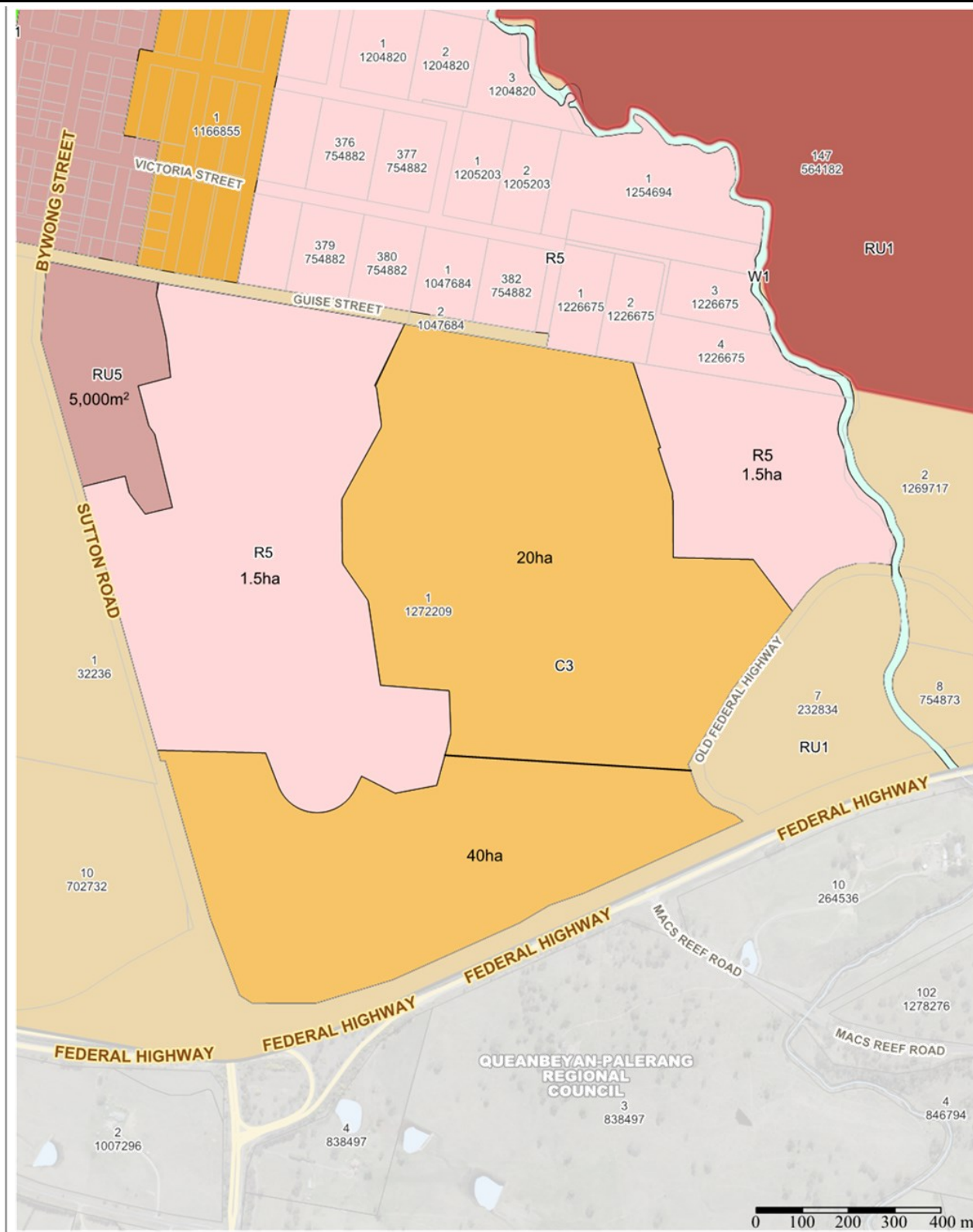
Projection: GDA94 / MGA zone 55

Date: 2/02/2022

Drawn By: Judith Field

Locality Plan
Lot 1 DP 1272209
Map Scale: 1:20000 at A4

6.1 Development Application No DA200273 - 66 Lot Community Title Subdivision - 2090 Sutton Road, Sutton
Attachment B Zoning and Minimum Lot Size Map



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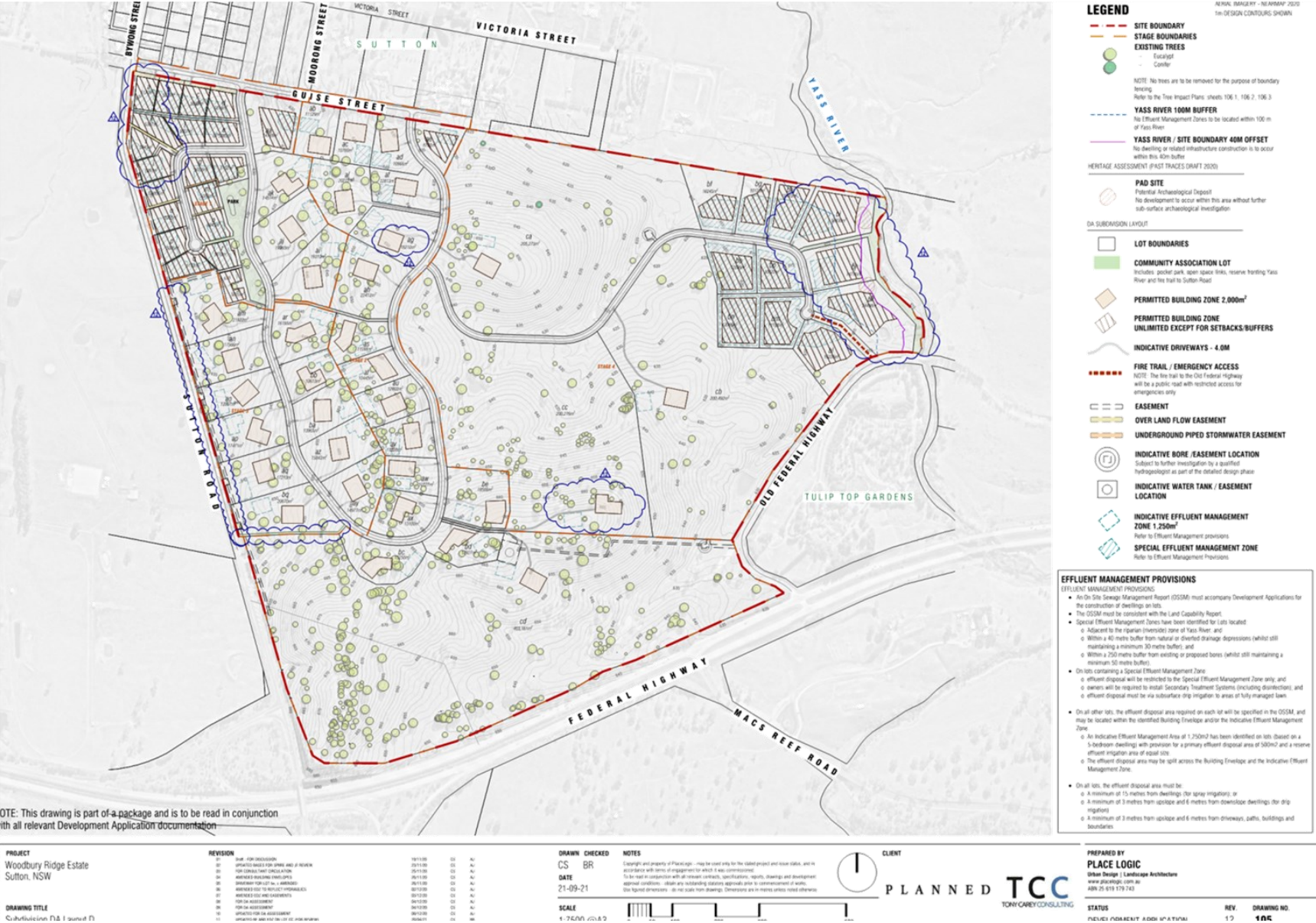
Drawn By: Kato Baker

Projection: GDA94 / MGA zone 55

Date: 2/02/2022 1:02 PM

**Zoning and Minimum
Lot Size Map**

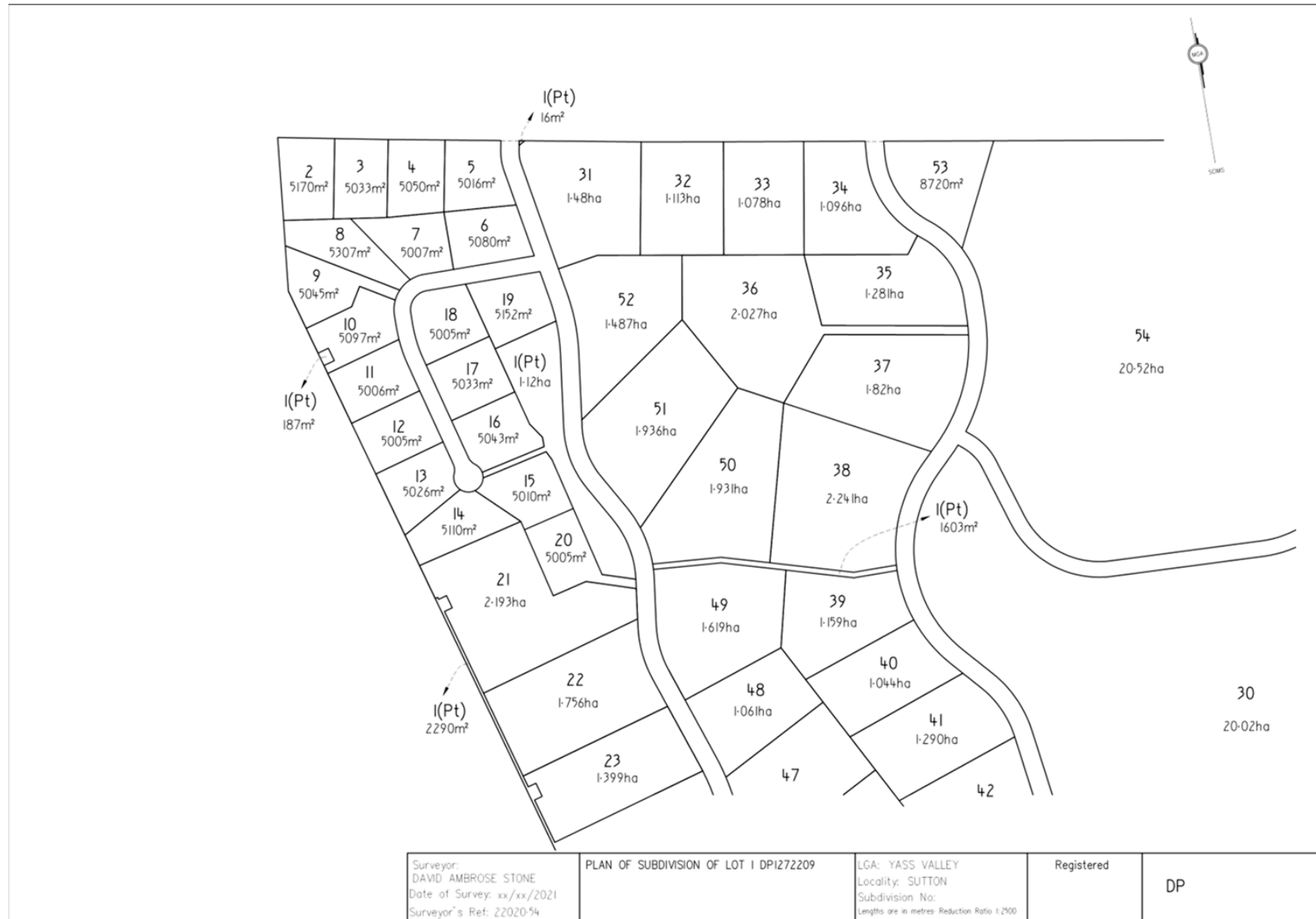
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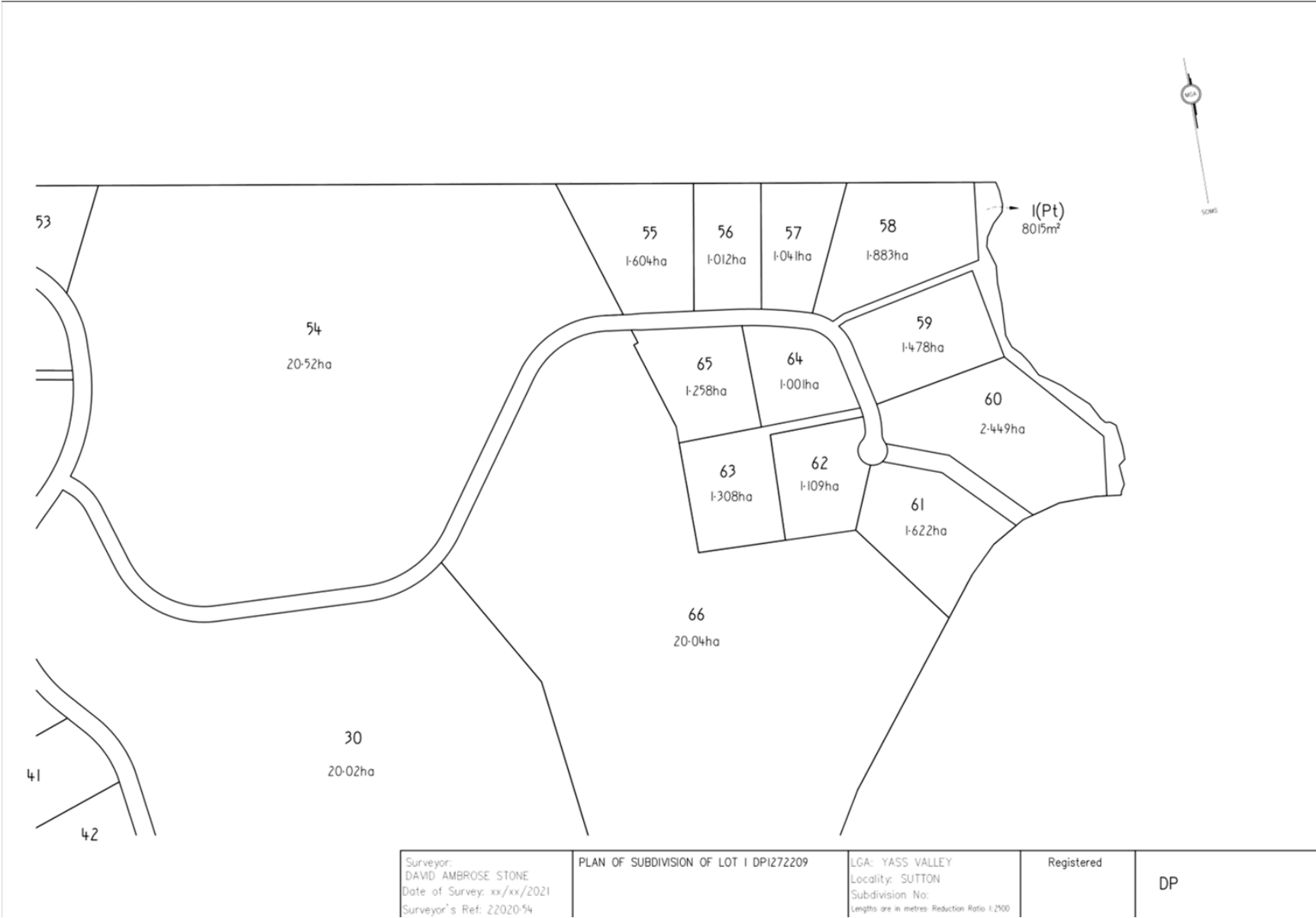


6.1 Development Application No DA200273 - 66 Lot Community Title Subdivision - 2090 Sutton Road, Sutton
Attachment C Subdivision Plans - General Layout

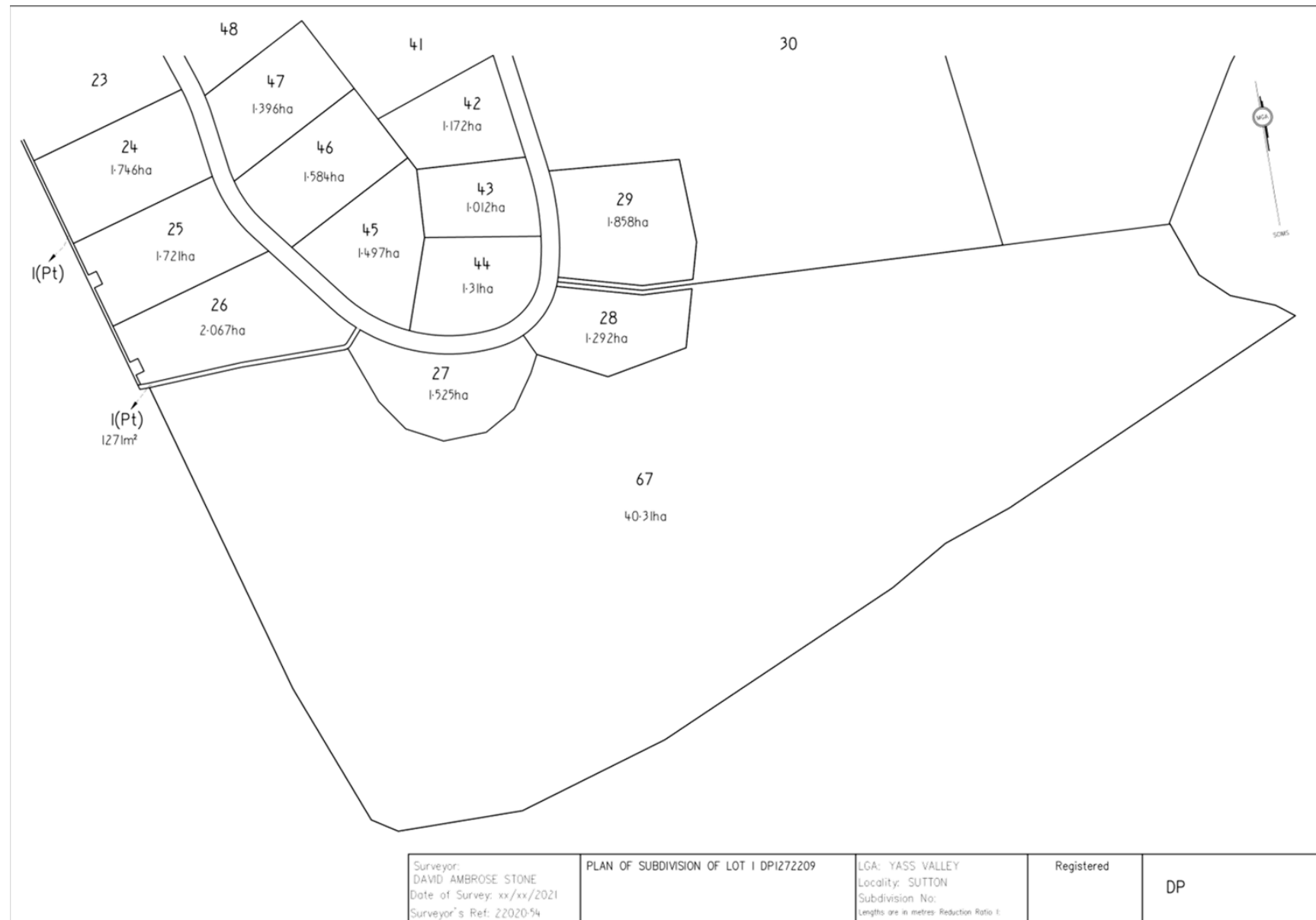


6.1 Development Application No DA200273 - 66 Lot Community Title Subdivision - 2090 Sutton Road, Sutton
Attachment D Subdivision Plan - Lot Sizes





6.1 Development Application No DA200273 - 66 Lot Community Title Subdivision - 2090 Sutton Road, Sutton
Attachment D Subdivision Plan - Lot Sizes



Surveyor: DAVID AMBROSE STONE Date of Survey: xx/xx/2021 Surveyor's Ref: 2202054	PLAN OF SUBDIVISION OF LOT 1 DPI272209	LGA: YASS VALLEY Locality: SUTTON Subdivision No: Lengths are in metres Reduction Ratio 1:	Registered	DP
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SUBMISSION #1

Comment on DA 200273 at 2090 Sutton Road

Thank you for the opportunity to comment on this DA.

While I support in principle the development of this land as an extension to Sutton Village consistent with the Sutton Village Master Plan, I do not believe the subdivision in its current form should be approved as it does not meet the intent of the Sutton Village Master Plan.

Addressing the comments I make will require significant changes to the proposal. In order to satisfy these issues a revised proposal would need to be submitted.

Other comments could be made conditions of consent as the required changes are relatively minor in nature.

I understand there will be an opportunity to separately comment on the proposed **biodiversity offset arrangements** before Council makes a decision on this proposal.

Yass Valley LEP

Lot along Yass River

While the proposed subdivision meets the requirement at clause 6.13 (3) (e) that one lot be created along the Yass River, the extremely narrow nature of the lot does not allow for the purpose in 5 (b) of that clause to allow for rehabilitation of the riparian area of Yass River.

The proposed lot is so narrow as to only be about 1 or 2 metres wide at the top of the bank. This would not allow for the earthworks and rehabilitation which would be necessary to effectively ensure rehabilitation of the riverbank.

In addition, this lot should allow for public access along the riverbank so all community members can enjoy this area and local Landcare can be involved with this rehabilitation work.

The lot should be of sufficient width at the top of the bank to allow for the necessary regrading of the riverbank and for a pedestrian path along the river at least from the laneway between lots bi and bj to the Old Federal Highway to allow a through walk returning via the fire egress trail between lots bk and bl.

Preferably the two identified areas of Aboriginal archaeological deposits should be excluded from the privatised lots and retained in the publicly-managed riverside lot. This is to ensure their protection, as an individual landowner may unwittingly or deliberately disturb these with activities such as gardening or other landscaping activities not requiring consent from Council.

Proposed community title arrangement

While community title arrangements can provide significant benefits in rural subdivisions, I do not believe it is appropriate or desirable to have part of Sutton village under a community title arrangement.

A clear goal for the expansion of Sutton Village is to have residents of the new development as an integral part of the community. Having a distinct governance arrangement for part of the village will create a separate focus and priority for a significant part of the community and mean that the new residents (some 200+ people) will have a different status to existing residents.

I understand the community title arrangements can give some benefits in terms of community management of local facilities and provide a mechanism to achieve environmental benefits on individual lots.

Many of these benefits can be achieved through restrictions on freehold title without the community title overlay. Other benefits are subject to the competence and interest of the 67 lot owners who would make up the managing body and this does not guarantee the intended environmental or community benefits will be achieved.

The inclusion of areas of E3 zoning to achieve biodiversity offsets does not guarantee their ongoing preservation and enhancement in perpetuity. **The most significant areas should be set aside as common land and managed by a Conservation Trust** as proposed for the existing Common areas to the north. This will ensure conservation and appropriate management in perpetuity and enhance the value of these biodiversity offsets.

The subdivision should be ordinary freehold title with Council directly responsible for managing the common land and facilities as is the case in the existing parts of Sutton Village.

As the village grows Council will need to commit adequate resources to properly manage the public realm in Sutton irrespective of arrangements in individual subdivisions. Having a number of different management arrangements for public land in the village will be less efficient than an integrated approach.

Yass Valley Settlement Strategy

The design of the proposed subdivision is not consistent with the relevant provisions of the Yass Valley Settlement Strategy.

Table 9: Identifies that Sutton will maintain its character “as a village”. **The subdivision does not continue the village street grid and therefore detracts from the existing village character.**

Table 16: Identifies *Challenges for Development*:

- Need to retain the recto-linear street grid if future development occurs – **the proposal does not comply.**
- Integration of the new development and the existing village – **the proposed community title arrangement, estate signage and disjointed road network do not support integration.**
- Protect the biodiversity values of the Crown land in the village core from weed infestation, domestic and feral animals from nearby development – **locating housing adjacent to the existing common will detract from its biodiversity values.**

- Current road alignment creates amenity and safety issues – **the proposed development will exacerbate these issues by additional traffic seeking to enter Sutton Road from Guise St.**
- Desire from part of the community for the Sutton-Gundaroo Road to bypass the Village – **as a traffic generating development this should contribute towards the Sutton bypass.**

Table 16 also identifies Recommended outcomes which include to “Accommodate small amount of controlled growth that is contiguous with the existing village character”.

The proposed community title arrangement, estate signage and disjointed road network do not support integration of the proposed development with the existing village and are therefore not compliant with the Settlement Strategy.

Sutton Village Master Plan

Council worked collaboratively with the Sutton community over a number of years leading up to the finalisation and adoption of the Sutton Village Master Plan in 2017. The Master Plan has been adopted by Council and has the status of a Council policy or a DCP. Council must take this policy into account when considering the application and implement its provisions at every opportunity.

The purpose of master planning was to ensure the community’s vision for the village would be taken into account in planning its expansion, and to ensure the various separately developed expansion stages would be well integrated with both the existing village and each other.

Assessment of this subdivision application represents **the first test of Council’s commitment** to meet its undertakings to the Sutton community during the preparation of the master plan.

Numbering below refers to the Master Plan Implementation Table.

2.1 Sutton Village entrance

The Master Plan calls for planting along the entrances to the village. Existing residents are concerned that the arrival experience at Sutton will be spoilt by looking into the backyards of houses backing on to Sutton Road.

The development proposal identifies a “10 metre wide landscape easement” along part of the Sutton road boundary, however this appears to be on the individual lots. This should be on common land so that community and Council have control over the management and maintenance of this easement. This easement should be planted and maintained for a suitable period by the developer at the time of constructing the subdivision.

The subdivision layout should be amended to remove the 10 metre wide planting easement from the private lots.

Council should include a condition requiring the developer to plant trees along the northern side of Sutton Road for the full extent of the RU5 and R5 zoned areas of the development.

2.2 New roads connect to existing village grid

The proposed subdivision does not meet this requirement and should not be approved in its current form.

The Master Plan map specifically indicates a “link to existing village” at Moorong St. This is not in the proposed development subdivision. Moorong St should be continued south into the development area.

There is also potential to continue the alignment of Quartz St south from Guise St into the development area. This would create a direct link to the road reserve which accesses the rear of the school. There is further potential for an additional north/south parallel street to enter the subdivision further east on Guise St at a similar spacing as the existing village grid.

In addition there is also potential for a new street parallel to Guise St within the development area. This could be at a similar spacing as Victoria to Guise Sts. The road reserve of this street could continue through to Sutton Road and this would allow for construction of a second access into the development area in the future once the Sutton bypass is constructed and this section of Sutton Road is no longer a regional road.

While it is recognised the road pattern would need to deviate from a strict grid once it enters the development area, the Master Plan intention is clearly to ensure the existing road network is reflected particularly at the points of connection – to retain the character of the original traditional Victoria era village layout.

There is further potential for other road reserves to be set aside to allow other future connections to Sutton Road further to the south. These would allow for improved permeability within the development area, better integration between the existing village, this and other proposed developments in the area and improved connections for both vehicles and pedestrians throughout the expanded village.

Taking these potential opportunities into account at each stage of the village development will lead to a cohesive village which respects its history and will realise the benefits of the master planning process.

The developer has noted that the curvilinear road network is designed to avoid trees and minimise earthworks. While these goals are of course desirable there is no evidence that a partial grid road layout could not also achieve these outcomes.

2.3 Pedestrian/cycle/ equestrian paths

The development proposal includes construction of a footpath from the intersection of Guise and Bywong Sts to the proposed park within the development area. Subject to the above comments regarding the street pattern generally, this is supported in principle.

Allowing for pedestrian use of the balance of the road network is also supported. Council should clarify the status and required speed limits for these shared roads. If they are not formally designated as “Shared Zones” they should still include signposting identifying use of the roads by pedestrians and cyclists.

The walking and cycling network should be extended to include the section of frontage to the Yass River as well as the fire trails, with gates designed to allow for access for bicycles and pedestrians.

2.4 Landscape buffers to major roads

See comment at 2.1 above.

2.6 Sutton Road

The Master Plan identifies the potential for a future bypass of Sutton Village.

Council should identify the route for this bypass and undertake preliminary design and costing for the works. Council should then prepare a development contributions plan to ensure all traffic generating development makes an appropriate contribution to the funding of the bypass. The proposed development is a traffic generating development.

Council should include a condition requiring the developer to contribute to the cost of the Sutton bypass.

The street layout within the development should be designed to take advantage of the future declassification of the adjacent section of Sutton Road from a Regional Road to a Local Road. This would involve the reservation of road reserves connecting to Sutton Road as indicated in 2.2 above.

3.1 Riparian restoration

As noted above in the comment on the LEP, the common lot along the Yass River frontage should be expanded to allow adequate space to undertake the required earthworks to allow for restoration of the creek bank and protection of the identified Aboriginal sites.

3.3 Management of Sutton "Common"

The Master Plan recognises the significant environmental values of this area and considers its future management and conservation.

The biodiversity values of this land would be significantly enhanced through maintaining connection with the grassy woodland on the proposed development area.

The proposed zonings adjacent to the Common do not allow for this connection as apart from preservation of the existing trees there is no mechanism in the proposal to maintain the woodland values of this adjacent area.

Construction of houses and associated disturbance in this area will negatively impact on the existing values of the Common. Linking across Guise St to areas of E3 or E2 zoning would significantly enhance environmental connectivity and better protect the environmental values of the Common.

Having a common management entity for all of these areas of high conservation value would further improve environmental values.

Other matters

Entry signage to the subdivision area

The proposal identifies "estate entry" signage at the entrance to the development area. This is not appropriate in an integrated village. This will create difference between the existing village and the new development area, and if repeated at other proposed subdivisions adjacent the village, will significantly detract from the identity of the place as the single village of "Sutton".

While many larger towns have separate estate signage or suburbs, Sutton will remain a small town for the foreseeable future and should not be divided into separate precincts.

The proposed estate entry signage should not be approved.

If necessary, Council should consider temporary signage during the sales period to assist potential purchasers identify the development area.

No through roads

The current subdivision layout includes a number of dead end roads. These are undesirable from the perspective of pedestrian and vehicle permeability and also do not meet the requirements for planning for bush fire protection.

Given the potential for fast moving grass fires impacting on the development area, quick and safe access for fire fighters and easy evacuation for residents is essential.

Reliance on the two fire egress trails, with "heavy duty gates" is not acceptable or desirable. In an emergency who will be responsible for unlocking these gates to allow egress at short notice? How will this be guaranteed?

The proposed subdivision road layout should not be approved with no-through roads exceeding 200 metres in length. The road network should be redesigned taking into account the comments arising from the Sutton Master Plan at 2.2 and 2.6 above.

Stormwater management

The plans identify a stormwater treatment pond in the public park area, however it is unclear whether this would treat all the stormwater runoff from the site entering Mclaughlins Creek. If treatment of stormwater is indeed required it should include all affected runoff.

The developer advised that drainage along the lower end of Guise St would be via a swale on the private lots. This arrangement does not guarantee the maintenance of this infrastructure over the long term.

Fencing to Sutton Road

The developer has advised that solid fencing will not be permitted to the rear of the lots backing on to Sutton Road.

Given Sutton Road is a busy public road and owners will be seeking privacy in their back yards it seems unlikely this rule will be respected.

The 10 metre planting easement should be removed from these lots (see comments above at Master Plan 2.1) and maintained by Council and the community. This would alleviate concerns as these back fences would be further from the road and screened by vegetation, protecting entry views and giving residents privacy.

Jeremy Knox

From: [REDACTED]
Sent: Tuesday, 9 February 2021 12:55 PM
To: YVC Customer Service Team
Subject: Response to DA 200273 -- 2090 Sutton Road, Sutton, NSW, 2620

[EXTERNAL] Please exercise caution when clicking on links or attachments from external sources.

Mr Chris Berry
General Manager
Yass Valley Council
PO Box 6
Yass, NSW, 2582

Dear Mr Berry,

This submission is my family's response to DA 200273 -- 2090 Sutton Road, Sutton, NSW, 2620.

[REDACTED]
[REDACTED]
[REDACTED]

We are adversely affected by the proposed development because it is directly opposite our property. Indeed the eastern entry to/exit from the main loop road (road 1) in the proposed development connects with Guise Street very close to our driveway entrance.

In good faith, I made a written submission to Council regarding the Planning Proposal (PP. 2017.01) on 24/06/2019 and followed this up with an oral presentation to a Community Forum held prior to a Council meeting on 12/08/2019.

Prior to these submissions, I participated in a number of community forums at Sutton Village Hall which were attended by Council planning staff and representatives of the Cartwright family who own the land that is the subject of the DA.

I acknowledge that the briefing given by Tony Carey Consulting (TCC), advisors to the Cartwright family regarding the proposed development, prior to the meeting of the Sutton and District Community Association on 03/02/2021, provided some useful information regarding the DA for which I'm grateful.

However as you can see from the present submission Mr Berry, I still have some concerns that I would like Council to address.

Roads and Traffic

The proposed road into and out of the development (road 01 and its offshoot feeder links [roads 2 and 3]) bears no resemblance to what was canvassed in earlier discussions. All of the traffic from this 66 lot development would now enter from, and exit to, Guise Street, and some blocks even have direct driveway access to Guise Street. If this DA were to go ahead in its present form, it would completely alter the safety and character of Guise Street and the adjacent properties. My property would be particularly affected because the road weaves through the land directly opposite and connects with Guise Street immediately opposite the south-west corner of my property. Headlights from vehicles at night would be aimed directly at my home as they drive down the hill.

The Sutton Masterplan seeks "to ensure that all new and infill development reflects the existing or preferred character of the surrounding neighbourhood".

Existing R5 blocks in Guise Street are each 2.6 ha (25,800 square metres). I stand to be corrected, but it appears that the R5 land zoning was earlier set by Council at a minimum lot size of 15,000 square metres. However this minimum seems to have been reduced to 5,000 square metres for the Cartwright family's DA. Most of the proposed R5 blocks are much smaller than the existing 25,800 square metre blocks and indeed the proposed lot (ae) directly opposite my property, at only 8,719 square metres, is the smallest one.

TCC advised on 03/02/2021 that the average size of the estate lots is about 2.5ha when the four large E3 lots are taken into account. But surely this sort of calculation is not in the spirit of the Master Plan's intention. The considerable number of lots proposed in the DA of around 10,000 square metres are completely out of character with the existing 25,800 square metre lots fronting the eastern end of Guise Street.

The DA's smaller R5 lots would have very adverse effects to existing nearby residents such as my family especially in relation to the overall appearance of the landscape, on tree coverage, underground water, effluent management, noise and traffic.

If the R5 lots in the DA are not able to be increased in size to something approaching 2.5ha on average (excluding factoring in the large E3 lots which currently distort the calculation), I would be grateful if the current (ae) block of only 8,710 square metres directly opposite my property could be removed and incorporated into the proposed (ca) E3 Environmental Management lot.

In this connection, a small lot like the one identified as "ae" located very close to my 25,800 square metre R5 lot and incorporating an effluent management zone immediately opposite my front garden does not respect my family's very substantial investment of time and money improving our property over the last 16 years.

Single or Dual Occupancy

No information was provided at the TCC briefing on 03/02/2021 regarding whether the DA prohibits dual occupancy development. I hope that dual occupancy is prohibited so that the estate is not disfigured aesthetically by numerous second dwellings and by the attendant increase in noise and traffic that this sort of development would enable.

Water

I acknowledge the advice given by TCC on 03/02/2021 that the DA provision for reticulated bore water from two community-owned bores to each lot aims to reduce the need for land purchasers to apply for their own individual bore licences.

However notwithstanding the good intentions of this innovation, I'm very concerned that the underground water extraction from the community bores will simply exacerbate the fact that groundwater table levels in the area are falling and that in some instances, bores are already running dry. This problem will, of course, only get worse if some individual lot purchasers choose to apply for, and are granted, individual bore licences.

The DA proposal for additional underground water depletion runs counter to sound environmental science and disregards community concerns regarding the need to conserve this resource.

Conclusion

My family respects the right of the Cartwright family to seek, through lawful means, the redevelopment of their land into a housing estate.

At the same time, my family trusts that our rights, as an existing affected property owner, will not be ignored and will be given proper consideration.

I therefore look to Council to respond positively to the matters canvassed in this submission so that the proposed redevelopment does not adversely affect our situation.

Thank you for the opportunity to make a submission regarding the Cartwright's DA.

Yours sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

Sutton, NSW, 2620

9 February 2021

Mobile: [REDACTED]

Email: [REDACTED]

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Sutton & District Community Association Inc.

PO Box 7404
SUTTON NSW 2620

11 February 2021

Dear Sir/Madam

**Submission of Sutton & District Community Association Inc.
Re DA200273 – 2090 Sutton Road, Sutton**

Thank you for the opportunity to comment on DA200273 – 2090 Sutton Road, Sutton (**the Development**).

The Sutton & District Community Association Inc. (SDCA) is not in a position to advise whether the Sutton community supports or opposes the Development. Instead, the SDCA's submission seeks to draw attention to aspects of the Development that are not in keeping with the 2017 Sutton Village Master Plan (the **Master Plan**), which was prepared in significant consultation with the community and has been adopted by Council and has the status of a Council policy or a DCP.

Whilst this submission draws attention to aspects of the Development not in keeping with the Master Plan, the SDCA wishes to commend the Cartwrights for their sensitivity and engagement and consultation with the community on this Development. The SDCA acknowledges the challenge in putting together a development that adequately addresses the concerns of all affected.

Summary

The Development does not implement two of the three key goals concerning Sutton's "Opportunities to Grow" in the Yass Valley Council Settlement Strategy 2017-2036 (the **Settlement Strategy**) (at Table 16, p 72) being the:

1. Need to retain the recto-linear street grid if future expansion occurs.
2. Integration of the new development and the existing village.

These goals are reflected and developed in the Master Plan. The Development is not in keeping with the Master Plan in the following important respects:

1. The road and pedestrian/cycle/equestrian access is not in keeping with the grid layout of the village, and thus does not facilitate interconnectivity between the Development and the village. Indeed the design serves to *segregate* the residents of the Development from the village.

2. There is insufficient pedestrian/cycle/equestrian pathway provision, again impacting on interconnectivity between the Development and the village.
3. There is insufficient road/road reserves to accommodate future development of Sutton surrounds and interconnectivity with the Development.
4. The landscape buffer proposed along Sutton Road to the entrance of the village inappropriately relies on lot holders to create and maintain it. Instead an easement should be set aside for the public to enjoy and for YVC to maintain with assistance from residents and the SDCA/Landcare.
5. Insufficient investigation has been undertaken in relation to whether there is sufficient groundwater for the number of lots proposed such that the Development has limited impact on groundwater currently accessed by residents in the existing village.

The divergence between the Development and the Master Plan is outlined in more detail below. Possible solutions are suggested to assist consideration. Items below refer to corresponding items in the Master Plan Implementation Table.

MASTER PLAN

Sutton Village Heart

Master Plan Item 1.2 Strengthen community and commercial focus on Camp St and Victoria Street

Issue: The proposed design does not integrate the Development with Sutton village. See comments at Item 2.2 below.

Solution: See Item 2.2 below.

Sutton Village Domain

Master Plan Item 2.1 Sutton village entrance avenue - 5 metre wide avenue of canopy trees

Issue: See Item 2.4 below.

Solution: See Item 2.4 below.

Master Plan Item 2.2 New roads connect to existing village grid – Ensure new road location and design integrates well with existing village layout. New roads reflect the form and design of existing village grid taking into account site characteristics. High level of accessibility and connectivity between new and existing streets.

Settlement Strategy, p 72: need to retain the recto-linear street grid if future expansion occurs.

Issue: The new roads in the Development do not connect to the existing village and do not reflect the form and design of the existing village grid. There is not a high level of accessibility and connectivity between new and existing streets (eg: new roads going north and south do not align with existing non-sealed and sealed roads going north and south). This has a flow-on effect in reducing integration and diluting commercial and community focus (Item 1.2 above.)

Any signage at the entrance to the Estate also needs to be consistent with the importance of integrating this development with the existing village.

Sutton Village was gazetted in 1867 in a grid pattern. In the original grid pattern Bywong, Quartz, Golden and Moorong run roughly north/south. Only Bywong and Moorong have been sealed and are used by cars.

The first entrance to the new development appears to be in line with Golden St. Not only is Golden St not used by cars, but it runs through 'Sutton Reserve' which is of ecological significance, being Yellow Box- Blakely's Red Gum – Grassy woodland. The second entrance is not aligned with any road at all.

Solution: Extend Moorong St south as a sealed road to flow into the Development. Alter the proposed Golden St extension from a sealed road to a common, including a pedestrian/cycle/equestrian link to the Village Heart. Insert a common, including a pedestrian/cycle/equestrian link north to south aligning with Quartz St (which is sealed to the village north, but not in the centre). Doing this would provide a good link to the Sutton Primary School and Village heart and be somewhat in keeping with north/south aspects of the grid layout. Second entrance to be altered in keeping with grid layout.

East/West roads or road reserves should be included in the Development to be in keeping with the grid layout and to facilitate future connections to Sutton Road (to facilitate possible change of Sutton Road to a regional road) or other developments (such as the progressing development on the east of Sutton Road). East/West roads also better facilitate future integration between the existing village and future developments in and around Sutton Village. Indeed, the Settlement Strategy 2017-2036 (p72) specifically provides that there is a 'need to retain the recto-linear street grid if future expansion occurs.'

Finally, shouldn't there to be two vehicular entry/exit points from the area for fire safety reasons at least? The proposed fire trail is not a sufficient substitute for the second exit point. An entry/exit near the Tulip Farm would be sensible.

Master Plan Item 2.3 Pedestrian/ Cycle/ Equestrian paths - increased activity and recreation opportunities within Sutton village

Master Plan Page 11 "Pedestrian and Cycle network"

Issue: There is either insufficient, or nil, provision for pedestrian/cycle/equestrian paths in the Development. Save for an equestrian link running west to east to the river and a single pedestrian pathway from the proposed open space to Guise Street, there are no other paths proposed. Indeed, there is no cycle pathway proposed at all. Sutton is frequented by long distance cyclists, and residents and their children frequently cycle in the village (albeit without pathways to assist currently, which is an ongoing concern of the SDCA). Developing a cycle pathway is part of the Master Plan. This should be included in the DA. Further, in keeping with Items 1.2 and 2.2 above, footpaths and cycle routes should link all the areas of Sutton village – both existing and the new development.

Solution: Include a pedestrian/cycle pathways along Sutton Road, along the approved roads through the Development, and along any proposed equestrian link to the river.

Master Plan Item 2.4 Landscape buffers to major roads: inclusion of 10 metre wide landscape 'easement' within lots whose side or rear boundary abut Sutton Road or future bypass. To screen rear or side yards from main road.

Issue: Twofold:

1. It appears to be proposed that landowners maintain the land comprising the entrance to the village along Sutton Road. This is inappropriate. Council needs to take responsibility for the maintenance of a sufficient amount of land comprising an easement along Sutton Road forming the entrance to the village.
2. Consistency and appearance of entrance to the village. The entrance needs to look well maintained, inviting and safe, and accessible to pedestrians cyclists/horse riders/the public. No high or inappropriate fencing. Also needs to be consistent on both sides of Sutton Road, and thus should be replicated on the other side (being the proposed Kier development)

Solution: Extract from the 10m wide planting easement for private lots a sufficient easement for a landscape buffer along Sutton Road in keeping with the Master Plan, to be initially created by developer but then maintained by YVC (with assistance from residents of Sutton, SDCA and Sutton Landcare). Include fencing restrictions along Sutton Road as part of the sale of lots.

Master Plan Item 2.6 Sutton Road

Issue: There appears to be no proposed contribution towards the Sutton Bypass. This development is traffic generating. There is no reason why it should not contribute to the Bypass solution which is aimed to benefit the entire community.

Solution: YVC should obtain contribution to the Sutton Bypass.

Sutton Village Environment

Master Plan Item 3.1 Riparian restoration - Yass River and McLaughlins Creek

Comment: Next to the river, there is an opportunity to create walking/cycling paths for all the Sutton community to enjoy. It is also an opportunity to highlight the biodiversity of the Yass River – and its importance to First Nation and for the European settlers. There needs to be sufficient space allocated to such usage (see eg Queanbeyan River development along River Road, the walks along Yass Gorge with community groups and YVC managing together). The current 1-2m space allocated is insufficient. Query also whether this allotment is compliant with clause 6.13(3)(e) of the Yass Valley LEP (namely, "in relation to land adjoining the Yass River, all land adjoining the Yass River will be retained in one lot"), interpreted in accordance with its purpose at clause 6.13(5)(b).

Master Plan Item 4.1 New R2 Low Density Residential areas for village growth

Issue: The impact of 67+ lots on existing groundwater reserves servicing the current community. The proposed community bore is a good idea and is located sensitively, but there has been insufficient investigation undertaken to determine whether the proposed community bore would tap into existing

groundwater supplies of the current community. Such studies should be undertaken before the Development is approved.

Solution: The developer undertake groundwater studies to ensure that the proposed community bore (which is a good idea) does not reduce existing ground water supplies for current residents.

Sutton Village Master Plan Implementation: Drainage

Master Plan pg 9 Drainage

Drainage systems and stormwater runoff should be routed along streets and areas of public open space.

An underground stormwater drainage system to collect water from swale drains is to be provided for all new RUS Village roads to cater for a 20% AEP event.

Issue: Drainage for the lots abutting Sutton Road is proposed by open easements over land.

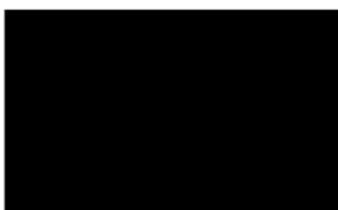
Solution: Flood management needs to be consistent with flood plans. Should underground stormwater draining systems should be provided to cater for 20% AEP events?

Conclusion:

The issues raised above should be read in the context of the SDCA being keen to ensure that any new development complements and appropriately integrates with the existing village, its heritage values and its people, thus ensuring a strong and direct connectivity to it, not as opposition to the development. We therefore also question the necessity for the proposed community title arrangement and whether the issues raised in support of such an arrangement can be delivered through other means.

As always, the SDCA commits to working constructively with YVC as it assesses this proposal.

Yours sincerely,



**President
Sutton and District Community Association Inc.**

SUBMISSION #4

February 10, 2021

Yass Valley Council
209 Comur Street
Yass NSW 2582

Comments on Development Application DA200273 – 2090 Sutton Road, Sutton

I wish to oppose the development application on the basis that it doesn't comply with many aspects of a number of local planning documents, and will negatively alter characteristics of the village that are important to current residents.

LOT LAYOUT DESIGN STANDARDS

Sutton Masterplan states "subdivision layout should reflect the adjacent settlement patterns and character" and "ensure that all new and infill development reflects the existing or preferred character of the surrounding neighbourhood"

The Yass Valley Settlement Strategy supports this with the guiding principle: "Future developments should complement existing settlement structure, character and uses".

The proposal's subdivision plan details a separate village structure that shares none of the character, layout or identity of Sutton. It is a completely standalone estate with its own roads, signage, fences, entrance gate, zoning definitions and name. No attempt has been made to integrate it with the existing village.

The YVC LEP was recently altered (6.13 (3)) to redefine the R5 zone in the Cartwright development from a minimum area of 1.5ha to a minimum of 0.5ha. Elsewhere in the LGA the R5 minimum lot size stands at 1.5ha. Aside from opening a floodgate of bespoke zoning redefinitions from future developers, the (much) smaller Cartwright R5 lots share little of the character of the adjacent "real" R5 lots because of their size.

Proposed Outcomes:

- Redesign subdivision layout to reflect Masterplan requirements.
- Proposal R5 blocks adjacent to existing "regular" sized R5 blocks to retain similar sizing and character as per the Masterplan.

ROADS

Sutton Masterplan 2.2 requires that new roads connect to and reflect the form and design of existing village grid to consolidate existing Village character. The proposed road design does not achieve this.

I note that a sub-clause was added last year to the LEP (6.13) (without the public consultation so highly valued by YVC) forcing all estate traffic down Guise St. This was after the minutes of the 28 Aug 2019 council meeting to vote on Sutton rezoning recorded that traffic issues were to be addressed at the Development Application stage in the development process.

Concerns raised by the RMS in the rezoning proposal re. vehicle access off Sutton Road related to the 100km/h speed limit of that road at the time.

The Sutton Masterplan calls for a pedestrian and cycle network within RU5 zones to encourage physical activity and provide connections to existing village facilities. The proposal shows a single footpath to the community park only.

Proposed Outcomes: Review road access to estate as outlined in Council meeting with emphasis on:

- Possible vehicle access to Sutton Road given that it's now an 80km/h zone and the council are actively working on a bypass around this road as per the Masterplan.
- Continue village grid layout through new development as required by Masterplan. Morwong Street could easily be extended into the new development.
- Extend public footpaths throughout RU5 zone

TREE RETENTION AND REMOVAL

22 Eucalypt trees to be removed – 7 of these from the E3 "Environmental Management" zone.

- No justification provided for removing any of the trees
- The Sutton Masterplan strongly discourages removal of mature hollow-bearing trees. Tree removal can be avoided by enlarging lots, changing boundaries and relocating roads as required.
- Many trees to be removed are mature to old-age eucalypts providing prime nesting hollows for the state/nationally vulnerable Superb Parrot
- As stated in the Masterplan "The loss of hollow-bearing trees is a key threatening process under the Biodiversity Conservation Act 2016"
- The main objective of the E3 Environment zone (YVC LEP) is to "To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values. Limited development that does not have an adverse effect on these values". Seven eucalypts are listed to be removed from this zone.
- The main objective of the R5 Large Lot Residential zone is "To provide residential housing in a rural setting while **preserving**, and minimising impacts on, environmentally sensitive locations ...". Again large mature Eucalypts in this zone need to be retained and protected.
- I do feel that this proposal is trying to shoehorn a pre-determined number of lots into the site rather than working within current environmental and physical constraints.
- No trees along Guise Street (inside the site boundary) have been identified on the Tree Impact Plan. A rough count shows at least 100 trees (>6m tall) in the road reserve; many of these will be removed with road widening.
- Driveway access to lots from Guise Street will require further trees to be removed
- Tree removal will significantly fragment the Guise St wildlife corridor between the high conservation value Sutton "Common" and the E3 zone identified in the estate zoning plan.

Proposed Outcomes:

- Resurvey site to show all trees affected by this proposal
- Provide justification for all tree removals
- Determine final road alignment along Guise Street showing which trees will be removed
- Identify which trees will be removed along Guise Street for driveway access
- Retain all trees in road reserve along eastern Guise Street as a local wildlife corridor linking two high conservation areas.
- Tree preservation orders required for all large hollow-bearing trees

- Tree removal from the E3 and R5 zones directly contravenes the primary objective of these zones as per YVC LEP. Relocate roads and boundaries as necessary.

BATTLE-AXE BLOCKS

Sutton Masterplan states “Battle-axe allotments will only be approved in exceptional circumstances where it can be demonstrated that the proposed layout provides a positive heritage or environmental solution”. Five battle-axe lots are outlined in the proposal. There is absolutely no environmental merit to this DA proposal and none to be gained by these battle-axe lots.

Proposed Outcome: Remove all battle-axe blocks from subdivision to comply with Sutton Masterplan.

TRAFFIC

“The Traffic Impact Assessment (TIA) found that the development of the new Estate as proposed would have no potential impact.” DA 3.2.1

The TIA says no such thing. Nearly doubling the village population is of course going to have an impact on traffic. For example the TIA predicts an 800% increase in traffic past the school entrance on Guise St, and the lack of footpaths and public transport in the estate will mean that traffic movements will likely be higher than predicted. The traffic predictions also don’t allow for years of heavy truck and tradesman vehicle movements generated by construction of the estate and houses within it.

Proposed Outcome: Rewrite DA 3.2.1 to give an accurate assessment of traffic changes expected.

PROVISIONS OF TELECOMMUNICATIONS

YVC Policy DA POL-17 requires all rural-residential (R5 and RU5) subdivisions to provide fibre and fixed-line telecoms to each lot. Certain exemptions apply but this development doesn’t appear to fulfil these. No mention of fibre infrastructure in the proposal other than an NBN fibre solution is considered too expensive.

Proposed Outcome: Provide alternative fibre solution that complies with YVC Policy DA POL-17.

Regards



Sutton



NOTES FROM COMMUNITY ASSOCIATION MEETING

From: [Mark Burgess](#)
Sent: Friday, 4 June 2021 2:00 PM
To: [Kate Baker](#)
Subject: Sutton Community meeting re Cartwright development

Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL] Please exercise caution when clicking on links or attachments from external sources.

Hi Kate

We had a very good community meeting on Wednesday night (2nd June). Below are some of the key points raised.

We have committed to continue to have dialogue with the Cartwrights & David Maxwell, particularly about issues that might need to be still resolved post the DA process. Will keep you posted on anything that comes from those discussions that might have relevance to you.

- Approx 30 in attendance all complying with COVID safety precautions
- Peter Cartwright, Tony Carey & David Maxwell all spoke about the development
- Advised that it is likely the DA could be finalised some time later in the year??
- Discussion around the access roads & RFS requirements for two access/egress roads
 - Major discussion around traffic movements into and out of Guise St at peak periods (probably the most contentious issue)
 - Specific concern about traffic coming towards the village from Federal Highway & turning right into Guise St. No capacity to pass vehicles stopped waiting to turn right into Guise St. That is already a busy area in peak times for school pick up/drop off times (cars & buses often use Guise/Moorong/Victoria Sts to get to school in Victoria St). A slip lane would be required at a minimum
 - Developers undertook a manual traffic count in Feb '21 but concern it didn't take into account school buses & that count not completely consistent with other manual counts & observations of the Guise St/Sutton Rd intersection
 - Questions were raised about why one of the fire trails can't be an access/egress onto Old Federal Highway (we understand that's a Roads & Maritime decision, but would take some of the pressure off the intersection of Guise St & Sutton Rd at peak times)
 - Also, regarding the proposed fire trail onto Sutton Road, could that be closer to the Village & be a potential access/egress road in the future when the Sutton Bypass is eventually completed?
 - **The issues raised around traffic clearly indicate the necessity for Council to begin planning for the Village Bypass with a clear intended route mapped out, as it will impact on this development as well as future developments in Sutton**
- Developers advised, why, in their view, the grid pattern, mentioned in Sutton Master Plan & YV Settle Strategy, could not be applied across the whole development
- The issue of widening some sections of Guise St. We understand the developers are endeavouring to retain as much of the current vegetation as possible along the street
- The riparian zone along the Yass River frontage. Who will maintain?
- Issues around Community Title
 - Potential Sutton Environmental Trust (what will this look like, how will it be funded, who will administer it)

- Community bore (impacts on the rest of Sutton). We understand that a study has been commissioned by the developers
- Covenants on building sites and other restraints on landholders. What might they be and how enforceable are they?
 - Bearing in mind many of these issues will be discussed and resolved post DA approval, the community needs to feel comfortable that the developers will continue to engage on these issues, relying on their goodwill. To date the consultation by the Cartwright family has been very good & David Maxwell was very reassuring that his company was keen on those discussions continuing to take place and was likewise keen to work closely with the Sutton community
- The issue of ensuring that this development and future developments in Sutton, integrate with the Village was discussed. It was suggested that the developers were not opposed to, instead of making the entry to the development as prominent, perhaps establishing a fitting entrance to Sutton itself on Sutton Road on the south side of the village coming from the Federal Highway. Something of that nature was likely more in line with community expectations of maintaining a one Village feel about Sutton. Any future developments to the north of the current village could be requested to do likewise for traffic entering Sutton from the north (Gundaroo side).
- Decisions haven't been made at this stage on how the development will be rolled out (eg developed & sold in stages)

Happy to further discuss any of the issues raised above.

I will share this information with Peter Cartwright & David Maxwell as there may be other issues they have identified, that I have overlooked, that need further dialogue between YVC the developers and the local community.

It is important to note that people are not opposed to the development for opposition sake, they are all just keen to ensure it is done appropriately and fits with the current village and with other future developments in the vicinity.

Mark Burgess
President
SDCA
[REDACTED]

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P L A N N E D

19 March 2021

Kate Baker
Development Planner
Yass Valley Council
PO Box 6
Yass NSW 2582

By email – Kate.Baker@yass.nsw.gov.au

RESPONSE TO PUBLIC SUBMISSIONS

Application: DA No. 200273
Description: Proposed Subdivision of Land
Property: Lot 5 DP838497, No. 2090 Sutton Road Sutton

Dear Kate,

Thank-you for affording us the opportunity to respond to the public submissions that were received by Council during the public exhibition of the abovementioned Development Application.

We refer to the four (4) public submissions that were forwarded to us on Wednesday 17 February 2021. From our review of the submissions, we note that they did not seek to expressly oppose or support the development as proposed, but rather offered opinion as to how it could be improved.

We and the Proponent are respectful of the opinion of others and seek to offer a considered response that will assist Council in progressing their assessment of the Development Application.

For brevity, we have structured our response to provide a general comment that addresses the 'common theme' identified across each of the submissions received before responding to each of the specific matters raised in a separate attachment to this correspondence.

General Comment

Based on our review of the submissions received, there is a common theme that the development proposed may be inconsistent with specific directions and goals of the Yass Valley Settlement Strategy and the Sutton Village Master Plan.

It is to be noted that the Settlement Strategy and Master Plan were addressed as part of the Planning Proposal for this land that included a conceptual development scheme for the site, which is not too dissimilar to the subdivision layout plan submitted to Yass Valley Council as part of this current Development Application (DA). A copy of the concept development scheme and current subdivision layout plan are included at **Attachment 1** to assist you in appreciating the similarities.

In relation to the Settlement Strategy, the Planning Proposal was found to not be inconsistent as it would facilitate the sustainable and progressive subdivision and release of land for residential and rural residential purposes whilst preserving the visual character of Sutton Village and the environmental and biodiversity values of the land.

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The Planning Proposal was also found to be generally reflective of the Master Plan despite some departures as it applied to nominated land use, proposed zone boundaries and minimum lot size requirements. These departures were considered to be responsive and warranted given that they would result in an environmentally superior outcome that would generate a similar development yield as envisioned for the site.

The Planning Proposal was ultimately approved, and the amendments published in the Yass Valley Local Environmental Plan 2013 (YVLEP 2013) on 8 May 2020.

As detailed in the current DA, the Proponent is seeking to develop the land in accordance with the adopted provisions of the YVLEP 2013 (as amended) and has provided a comprehensive package of information that builds on the technical input provided as part of the Planning Proposal process.

It is noted that Council is currently drafting the Yass Valley Comprehensive Development Control Plan (YVCDCP), which will supplement the YVLEP 2013 by providing reasoning, guidelines, controls and general information relating to the decision-making process. Together, the YVLEP 2013 and YVCDCP will form the land use planning and development controls for the Yass Valley LGA.

As the design standards included in the Sutton Master Plan are to form part of the YVCDCP, a detailed assessment of the relevant standards was included at Section 4.7 of the Statement of Environmental Effects (SEE) Report, which forms part of the current DA documentation. The assessment found that the development as proposed is generally consistent. Therefore, given that the design standards provide the basis for achieving the desired outcomes, it should be accepted that the development proposed is reflective of the Master Plan.

Response to Submissions

Refer to **Attachment 3** for our response to each of the submissions received.

Summary

Based on our response to the matters raised in the public submissions, we believe that the development as proposed should remain unchanged to that as originally submitted to Council as part of the current DA. Notwithstanding, the Proponent would be willing to work with Council to accept suitably worded consent conditions in relation to the following (only as deemed to be strictly required):

- The installation of a gate to the southern boundary of the proposed allotment fronting the Yass River, so as to create a pedestrian/equestrian linkage along the Old Federal Highway to proposed Fire Trail 02.
- Re-alignment of the common boundary between proposed allotments 'bj' and 'bk' so that it does not traverse the identified PAD.
- The upgrading and sealing of Guise Street for its entire length (i.e., to its eastern most extent).
- The provision of a landscaping strip for planting and establishment of suitable endemic species within the Sutton Road verge adjoining the proposed RUS Village lots.
- The installation of appropriate signposting identifying the use of the proposed subdivision roads by pedestrians and cyclists.
- Removal of the proposed 'Woodbury Ridge Estate' entry signage.
- The re-planting of native trees (of semi-mature stock) within the Guise Street verge post completion of the road upgrade works.

P L A N N E D

We trust that our response to the matters raised in the public submissions will assist you in progressing your assessment of the DA. However, should additional information or input be required, please do not hesitate to contact the undersigned on 0457 786 776 or elizabeth@planned.net.au.

Yours sincerely,

Elizabeth Slapp RPIA
Senior Town Planner



ATTACHMENTS

1. Concept Development Scheme (Planning Proposal) and Subdivision Layout Plan (Current DA)
2. Response to Submissions Received
3. Diagram Showing Actual Width of the Allotment Fronting the Yass River
4. Photos of the Yass River Corridor Adjoining the Estate
5. Guise Street Survey Results

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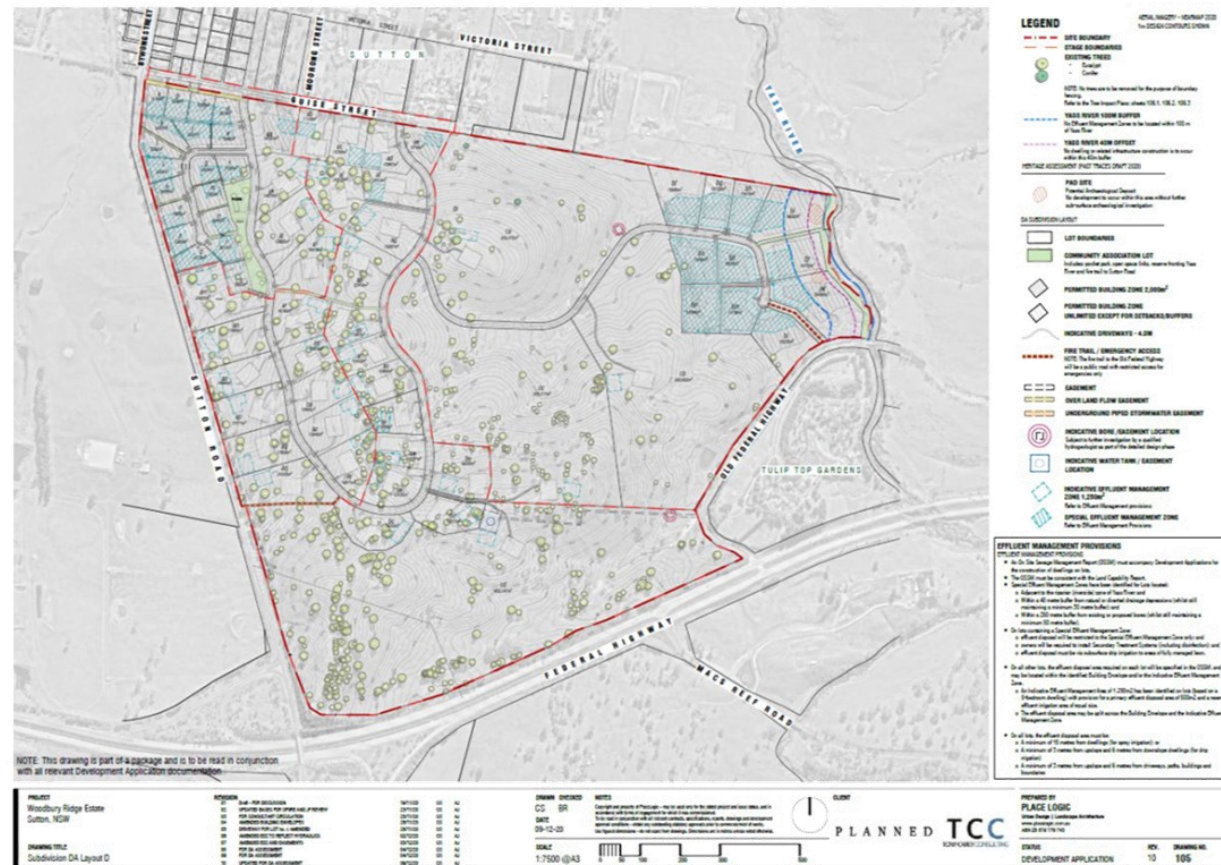
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ATTACHMENT 1 – Concept Development Scheme (Planning Proposal) and Subdivision Layout Plan (Current DA)



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P L A N N E D

ATTACHMENT 2 – Response to Submissions Received

Matter Raised	Comment
SUBMISSION No. 1	
Lot along Yass River	
<p>While the proposed subdivision meets the requirement at clause 6.13 (3) (e) that one lot be created along the Yass River, the extremely narrow nature of the lot does not allow for the purpose in 5 (b) of that clause to allow for rehabilitation of the riparian area of Yass River.</p> <p>The proposed lot is so narrow as to only be about 1 or 2 metres wide at the top of the bank. This would not allow for the earthworks and rehabilitation which would be necessary to effectively ensure rehabilitation of the riverbank.</p> <p>In addition, this lot should allow for public access along the riverbank so all community members can enjoy this area and local Landcare can be involved with this rehabilitation work.</p> <p>The lot should be of sufficient width at the top of the bank to allow for the necessary regrading of the riverbank and for a pedestrian path along the river at least from the laneway between lots bi and bj to the Old Federal Highway to allow a through walk returning via the fire egress trail between lots bk and bl.</p> <p>Preferably the two identified areas of Aboriginal archaeological deposits should be excluded from the privatised lots and retained in the publicly-managed riverside lot. This is to ensure their protection, as an individual landowner may unwittingly or deliberately disturb these with activities such as gardening or other landscaping activities not requiring consent from Council.</p>	<p>No changes proposed.</p> <p>As detailed at Section 3.8 of the SEE Report included with the DA submission, an allotment of approximately 8,000m² is proposed along the Estate's frontage to the Yass River. The proposed allotment is proposed to be provided as communal open space and will form part of the Community Association property, so as to meet the LEP requirement regarding the number of lots having access to the river.</p> <p>This area is not proposed to be formalised as open space but rather will form part of a Riparian Management Plan to improve the stability and environmental integrity of the Yass River (as it adjoins the subject land). These works are likely to include the removal of noxious weed species, bank stabilisation and revegetation with appropriate native species.</p> <p>As shown in Attachment 3, the allotment is not 1 or 2 metres wide as the submission suggests. It is actually an average of 16m wide (using the points as marked) and ranges in width from 9m up to 28m. The width of the allotment is considered to be more than adequate in providing for the rehabilitation of the adjoining riparian corridor and for the casual enjoyment of walkers and horse riders.</p> <p>Embellishing the allotment was discounted as a viable option during the early design progression prior to DA lodgement, based on the following:</p> <ul style="list-style-type: none"> Public access to the Yass River corridor to the north and south of the Estate is prevented due to existing private ownership. As such, the provision of a public pathway would provide no linkages or connections to other public open space areas beyond the Estate. A large communal parkland (circa 10,730m²) is proposed to be provided central to the Estate (near to the existing Village) and will incorporate nature play elements, electric BBQ, shade structure, seating and pedestrian linkages. Rehabilitation of the Yass River (as it adjoins the subject land) is unlikely to create a high-quality scenic or landscaped environment that would encourage members of the public to visit and/or linger. The Yass River corridor as it adjoins the Estate to the north, south and east is within private land and as such, is unlikely to be similarly rehabilitated in the near future. As such, it will remain in its current state – steeply eroded banks infested with noxious weed species. Refer to the photos included at Attachment 4. The proposal to reduce the construction standard for Road 02 is to avoid excessive impact to areas of the site mapped as comprising high biodiversity value, and is dependent on the road carrying a reduced traffic volume (i.e. traffic generated by the eastern allotments only). Therefore, embellishing this area to attract visitors would increase the traffic volume for the road and thus require a greater standard of construction, which would certainly have a greater impact on biodiversity values.

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Matter Raised	Comment
	<ul style="list-style-type: none"> Attracting visitors to this area of the site would also likely require the provision of a dedicated car parking area to avoid the destruction of verge areas. This is not consistent with the Proponent's overall vision to achieve a 'light touch' approach to the development of the land. If required by Council, a gate could be installed at the southern boundary so as to create a pedestrian/equestrian linkage along the Old Federal Highway to Fire Trail 02. This requirement could be captured via a suitably worded consent condition. <p>With regard to the two identified areas of Potential Archaeologic Deposit (PADs), it is noted that they must not be impacted, which can be included as a restriction on Title. If in the future, the private landowners wish to impact these areas, further investigations will be required, consisting of subsurface testing.</p> <p>It is noted that future fencing along the common boundary between proposed lots 'bj' and 'bk' could have a possible impact on the identified PAD at this location. There are a number of ways to alleviate this possible impact, including:</p> <ul style="list-style-type: none"> A restriction on the Title of the land restricting any works within the identified PAD that would likely have an impact. This could also be reflected in a suitably worded clause in the Community Association Scheme. Council to request that the boundary be re-aligned so that it does not traverse the identified PAD. If this is the preferred approach, the Proponent would accept a suitably worded consent condition requiring the re-alignment of the boundary. <p>Finally, the submission mentions that the area along the Yass River should be retained in a publicly- managed allotment. During early discussions with Council, it was made very clear that they would not accept the dedication of this land due to the long-term maintenance burden that it would create. On this basis, it is proposed to form part of the Community Association property.</p>
<p>Proposed community title arrangement</p> <p>While community title arrangements can provide significant benefits in rural subdivisions, I do not believe it is appropriate or desirable to have part of Sutton village under a community title arrangement.</p> <p>A clear goal for the expansion of Sutton Village is to have residents of the new development as an integral part of the community. Having a distinct governance arrangement for part of the village will create a separate focus and priority for a significant part of the community and mean that the new residents (some 200+ people) will have a different status to existing residents.</p> <p>I understand the community title arrangements can give some benefits in terms of community management of local facilities and provide a mechanism to achieve environmental benefits on individual lots.</p> <p>Many of these benefits can be achieved through restrictions on freehold title without the community title overlay. Other benefits are subject to the competence</p>	<p>No changes proposed.</p> <p>Due to the site's identified environmental and biodiversity values, it was established early with Council and the then OEH that a Community Title Scheme would be the most appropriate titling mechanism as it would offer the following benefits:</p> <ul style="list-style-type: none"> A shared ownership of and responsibility for common areas, including the parkland space, riverside corridor and other open space areas for which Council were not willing to accept due to the ongoing maintenance burden. It would allow for strong building and landscaping controls that would add value to the Estate and Sutton more generally, and be consistent with the Proponent's vision to create a high-quality rural living precinct, which respects the known biodiversity value of the land, and enhances the diversity and quality of living opportunities at Sutton. The Community Association property and facilities would be covered by all appropriate insurances, which would enable public use.

T O W N P L A N N I N G S O L U T I O N S

P L A N N E D

Matter Raised	Comment
<p>and interest of the 67 lot owners who would make up the managing body and this does not guarantee the intended environmental or community benefits will be achieved.</p> <p>The inclusion of areas of E3 zoning to achieve biodiversity offsets does not guarantee their ongoing preservation and enhancement in perpetuity. The most significant areas should be set aside as common land and managed by a Conservation Trust as proposed for the existing Common areas to the north. This will ensure conservation and appropriate management in perpetuity and enhance the value of these biodiversity offsets.</p> <p>The subdivision should be ordinary freehold title with Council directly responsible for managing the common land and facilities as is the case in the existing parts of Sutton Village.</p> <p>As the village grows Council will need to commit adequate resources to properly manage the public realm in Sutton irrespective of arrangements in individual subdivisions. Having a number of different management arrangements for public land in the village will be less efficient than an integrated approach.</p>	<p>In relation to the application of the E3 Environmental Management Zone to over 100 hectares of the subject land, this was proposed and approved as part of the preceding Planning Proposal Application. As part of that Application, it was considered necessary to defer from the Sutton Master Plan, which only sought to apply the E3 Zone to circa 40 hectares of the subject land and to apply the lesser E4 Environmental Living to the majority of the resulting balance (circa 120 hectares).</p> <p>The reasoning for expanding the E3 Zone was based on the results of more detailed environmental and biodiversity investigations and reporting, which identified the subject land as comprising moderate, high and very high-quality vegetation.</p> <p>As detailed in the Planning Proposal and current DA, it is proposed to create four suitably sized stewardship sites, which will provide 'in perpetuity' protection and enhancement of the biodiversity values of the land at no cost to the community or Council. Each site will enter into a Biodiversity Stewardship Agreement (BSA) created under the <i>Biodiversity Conservation Act 2016</i>, which will be registered on the Title of the land. The BSAs will each include agreed management actions for the land, such as fencing, the control of weeds and feral animals and revegetation.</p> <p>It is important to note that the landholders of these sites will be required to report annually to the Biodiversity Conservation Trust (BCT), which is ultimately responsible for ensuring that landholders comply with their obligations under the BSA. Landholders may be subject to auditing and other compliance activities by the BCT or the Department of Planning, Industry and Environment.</p> <p>Based on the above, the BSAs are considered the best approach in securing the long-term preservation and enhancement of the biodiversity values of the land.</p> <p>Applying the E2 Environmental Conservation Zone to the land was discounted as an option as dwellings are a prohibited form of development within that Zone. On this basis, the application of the E3 Environmental Conservation Zone was considered to be appropriate noting that it would enable future landholders to reside at the site and to actively manage the land as per the terms of the BSA.</p>
Yass Valley Settlement Strategy	
<p>The design of the proposed subdivision is not consistent with the relevant provisions of the Yass Valley Settlement Strategy.</p> <p>Table 9: Identifies that Sutton will maintain its character "as a village". The subdivision does not continue the village street grid and therefore detracts from the existing village character.</p> <p>Table 16: Identifies Challenges for Development:</p> <ul style="list-style-type: none"> Need to retain the recto-linear street grid if future development occurs – the proposal does not comply. 	<p>No changes proposed.</p> <p>We note that the intent of Table 9 of the Yass Valley Settlement Strategy is to categorise each of the existing settlements into a 'hierarchy' depending on projected growth and other recommendations. In relation to Sutton, it has been placed within the 'Village' hierarchy noting that it will have a slightly higher population than that prescribed by the hierarchy (200 – 500) but will maintain its character as a village.</p> <p>In response to the comments raised in relation to Table 16, it is important to note that the submission fails to acknowledge that the recommended outcome promotes limited residential development (less than 150 allotments) consistent with the Sutton Master Plan and that the inclusion of controls within the proposed Comprehensive DCP will help to retain and enhance the village character of Sutton.</p>

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P L A N N E D

Matter Raised	Comment
<ul style="list-style-type: none"> Integration of the new development and the existing village – the proposed community title arrangement, estate signage and disjointed road network do not support integration. Protect the biodiversity values of the Crown land in the village core from weed infestation, domestic and feral animals from nearby development – locating housing adjacent to the existing common will detract from its biodiversity values. Current road alignment creates amenity and safety issues – the proposed development will exacerbate these issues by additional traffic seeking to enter Sutton Road from Guise St. Desire from part of the community for the Sutton-Gundaroo Road to bypass the Village – as a traffic generating development this should contribute towards the Sutton bypass. <p>Table 16 also identifies Recommended outcomes which include to “Accommodate small amount of controlled growth that is contiguous with the existing village character”.</p> <p>The proposed community title arrangement, estate signage and disjointed road network do not support integration of the proposed development with the existing village and are therefore not compliant with the Settlement Strategy.</p>	<p>As detailed previously, the design standards included in the Sutton Master Plan are to form part of the YVDCP. On this basis, a detailed assessment of the relevant standards was included as part of the SEE Report, which forms part of the current DA documentation. The assessment found that the development as proposed is generally consistent. Therefore, given that the design standards provide the basis for achieving the desired outcomes, it should be accepted that the development proposed is reflective of the Master Plan.</p> <p>In relation to the identified challenges for development – as raised in the submission, we respond as follows:</p> <ul style="list-style-type: none"> Recto-Linear Street Grid – Extending the existing recto-linear street grid to the Estate is not considered to be appropriate in this instance based on the following: <ul style="list-style-type: none"> Whilst the Estate is connected to Sutton Village in that it is situated at its gateway, the existing grid pattern does not directly adjoin the subject land. For instance, it is noted that the roads opposite are not actually constructed (except for Moorong Street). The design standards included in the Sutton Master Plan, which are to be uplifted in to the comprehensive DCP, contemplate other road design standards (i.e., curvilinear layout) to accommodate topography and vegetation. The development proposed has adopted the an organic layout so as to respond to the site conditions. The proposed road layout, lots shapes building envelopes and effluent disposal areas are the result of intensive investigations across many disciplines, and are especially located to minimise impact on native vegetation, minimise cut and fill, minimise the loss of trees (we only lose 22 or 3.2% of all trees on site plus some others in Guise Street as a result of the requirement to widen and complete Guise Street), optimise solar orientation potential, and provide for sustainable stormwater management. East west roads have been avoided where possible due to the topography of the land and the necessity to require significant cuts to meet modern road standards. Excessive cuts would in fact impact larger areas (due to batters) and the loss of a significant number of additional trees. A grid pattern, whilst historically interesting, is completely inappropriate to this land and its characteristics. Adherence to a 5-acre rectangular lot grid would be completely irresponsible and pays no heed to this site. Indeed, the DA plan concept is highly regarded by Council and NSW DPIE ecologists as a benchmark approach to identification and sustainable protection of significant natural ecosystems and is a very good response to the intent of the NSW <i>Biodiversity Conservation Act 2016</i>, and a superb result for all stakeholders. Integration of the new development and the existing village – The development proposed is connected to the Village, but in fact is a ‘transition zone’ to the more rural surrounds – as required by the YVLEP 2013 (as amended). Therefore, strict compliance with the ‘village’ provisions are not considered to be relevant. Refer

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Matter Raised	Comment
	<p>to comments above and below in relation to the proposed community title arrangement, estate signage and road layout.</p> <ul style="list-style-type: none"> ▪ Protection of the biodiversity values of the Sutton 'Common' – It is considered unreasonable to assume that the development proposed would have more of an impact on the biodiversity values of the 'Common' than that of the existing developments that already adjoin it. This matter was addressed as part of the preceding Planning Proposal Application. As part of that process, it was found that the future development of the land would have no impact on the Sutton 'Common' and that the creation of a 'wildlife corridor' linking the existing 'Common' and subject land, was not warranted. ▪ Road alignment creates amenity and traffic issues – <ul style="list-style-type: none"> – The Traffic Impact Assessment (TIA) prepared by John Randall Consulting (dated 10.12.20) examined the existing traffic conditions along Sutton Road and Guise Street as well as the surrounding transport network and concluded that the development of the new Estate as proposed would have no potential impact. A copy of the TIA was included as Appendix A of the Civil Engineering Report prepared by Spiire (dated 10.12.20), which was included with the DA submission. – The location of Road 01 as it intersects with Guise Street (east) has been relocated to avoid glare from headlights impacting the existing dwellings on Lots 139 and 380 DP754882 opposite. – Direct access onto Sutton Road and the Old Federal Highway are not permitted. On this basis, the only option is to utilise Guise Street for the provision of access to the Estate. – It is proposed to upgrade and seal the length of Guise Street up to approximately 40m past the second entrance. This will provide a significant benefit to the existing residents who currently utilise Guise Street to access their properties. If requested by Council, the Proponent would accept a suitably worded consent condition requiring the upgrading and sealing of Guise Street for its entire length (i.e., to its eastern most extent). ▪ Contribution to Sutton Bypass – The development as proposed will be subject to Council's standard contributions. We are unaware of a current or proposed mechanism for which Council could request a contribution towards the Bypass.

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Matter Raised	Comment
Sutton Village Master Plan	
<p>2.1 Sutton Village entrance</p> <p>The Master Plan calls for planting along the entrances to the village. Existing residents are concerned that the arrival experience at Sutton will be spoilt by looking into the backyards of houses backing on to Sutton Road.</p> <p>The development proposal identifies a "10 metre wide landscape easement" along part of the Sutton road boundary, however this appears to be on the individual lots. This should be on common land so that community and Council have control over the management and maintenance of this easement. This easement should be planted and maintained for a suitable period by the developer at the time of constructing the subdivision.</p> <p>The subdivision layout should be amended to remove the 10 metre wide planting easement from the private lots.</p> <p>Council should include a condition requiring the developer to plant trees along the northern side of Sutton Road for the full extent of the RU5 and R5 zoned areas of the development.</p>	<p>Changes proposed.</p> <p>As shown on the Landscape Master Plan included with the DA, a 10m wide landscaping strip was proposed within the allotments along the common boundary with Sutton Road.</p> <p>Based on our recent discussions with Telstra, this 10m wide landscape strip cannot be provided within the allotments due to the presence of existing Telstra infrastructure that follows the same alignment.</p> <p>The Proponent would therefore accept a suitably worded consent condition requiring the provision of landscaping within the Sutton Road verge adjoining the RUS Village lots within the Estate. Extending the landscaping the full length of the Estate (i.e., up to the last R5 Large Lot Residential allotment) is considered to be excessive and inconsistent with the Sutton Master Plan.</p>
<p>2.2 New roads connect to existing village grid</p> <p>The proposed subdivision does not meet this requirement and should not be approved in its current form.</p> <p>The Master Plan map specifically indicates a "link to existing village" at Moorong St. This is not in the proposed development subdivision. Moorong St should be continued south into the development area.</p> <p>There is also potential to continue the alignment of Quartz St south from Guise St into the development area. This would create a direct link to the road reserve which accesses the rear of the school. There is further potential for an additional north/south parallel street to enter the subdivision further east on Guise St at a similar spacing as the existing village grid.</p> <p>In addition there is also potential for a new street parallel to Guise St within the development area. This could be at a similar spacing as Victoria to Guise Sts. The road reserve of this street could continue through to Sutton Road and this would allow for construction of a second access into the development area in the future once the Sutton bypass is constructed and this section of Sutton Road is no longer a regional road.</p>	<p>No changes proposed.</p> <p>Refer to the comments above in relation to the existing village grid.</p> <p>A road linking to Moorong Street was considered early in the concept design phase. This road link was eventually disregarded on the basis that it would create a four-way intersection on the crest of a hill, which would unlikely be supported by Council engineers due to traffic safety concerns (i.e., lack of adequate sight distance to the east and west). In addition to this, it would require the relocation of the internal subdivision roads, which have been deliberately aligned to:</p> <ul style="list-style-type: none"> ▪ be as efficient as possible in providing direct vehicular access to each of the allotments proposed, ▪ minimise the impact on areas of high-quality native vegetation, ▪ minimise cut and fill, ▪ minimise the loss of trees, and ▪ to provide for the sustainable management of stormwater. <p>It is noted that the main entrance to the estate aligns with the unconstructed road reserve to the east of Quartz Street, which is also unconstructed at this location. Pedestrian access to the Sutton Primary School from the Estate has been a consideration in the design process and is provided for via the proposed pedestrian pathways internal to the Estate and along Guise Street (north) to its intersection with Sutton Road.</p>

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<p>While it is recognised the road pattern would need to deviate from a strict grid once it enters the development area, the Master Plan intention is clearly to ensure the existing road network is reflected particularly at the points of connection – to retain the character of the original traditional Victoria era village layout.</p> <p>There is further potential for other road reserves to be set aside to allow other future connections to Sutton Road further to the south. These would allow for improved permeability within the development area, better integration between the existing village, this and other proposed developments in the area and improved connections for both vehicles and pedestrians throughout the expanded village.</p> <p>Taking these potential opportunities into account at each stage of the village development will lead to a cohesive village which respects its history and will realise the benefits of the master planning process.</p> <p>The developer has noted that the curvilinear road network is designed to avoid trees and minimise earthworks. While these goals are of course desirable there is no evidence that a partial grid road layout could not also achieve these outcomes.</p>	<p>A road running parallel with Guise Street was also discounted due to the topography of the land and the necessity to require significant cuts to meet modern road standards. Excessive cuts would impact larger areas (due to batters) and the loss of a significant number of additional trees.</p> <p>In relation to future connections to Sutton Road, it is noted that this is prevented by clause 6.13(3)(d) of the Yass Valley Local Environmental Plan 2013.</p>
<p>2.3 Pedestrian / cycle / equestrian paths</p> <p>The development proposal includes construction of a footpath from the intersection of Guise and Bywong Sts to the proposed park within the development area. Subject to the above comments regarding the street pattern generally, this is supported in principle.</p> <p>Allowing for pedestrian use of the balance of the road network is also supported. Council should clarify the status and required speed limits for these shared roads. If they are not formally designated as "Shared Zones" they should still include signposting identifying use of the roads by pedestrians and cyclists.</p> <p>The walking and cycling network should be extended to include the section of frontage to the Yass River as well as the fire trails, with gates designed to allow for access for bicycles and pedestrians.</p>	<p>No changes proposed.</p> <p>Refer to the comments above regarding road alignments.</p> <p>Pedestrian and cyclist use of the internal road network can be assumed. However, it is not proposed that the roads be identified as 'shared zones'. As detailed in the Civil Engineering documentation included with the DA submission, the proposed internal road layouts contain provisions for either a sealed footpath or grassed pedestrian / equestrian trail within the verge to cater for active travel. For areas where a sealed footpath or grassed equestrian trail is not proposed, it is likely that pedestrians and cyclists will utilise the road and/or verge areas. On this basis, the Proponent would accept a suitably worded consent condition requiring the installation of appropriate signposting identifying the use of the roads by pedestrians and cyclists.</p> <p>It should also be noted that the posted speed limits for the roads will be reflective of the residential environment. For instance, the main internal road (i.e., Road 01) is proposed to have a posted speed limit of 50km/hr and proposed Roads 02 and 03 are to have a posted speed limit of 40km/hr.</p> <p>Noting that the proposed roads are to be dedicated to Council, the sealed pedestrian pathways have been limited to those areas of the Estate that are likely to have the greatest population (i.e., village lots) and to key linkage routes to provide access to the parkland and Sutton Public School. Due to the large collective length of road within the Estate, it was considered to be an on-going maintenance burden for Council should sealed pedestrian pathways be provided for the entire length. Further to this, the use of such infrastructure is expected to be limited noting the rural residential environment and the large distances involved.</p>

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	Metal swing gates are proposed at the entrance to the Yass River allotment from Road 03 to permit pedestrian and equestrian access. Pedestrian and equestrian access to Fire Trail 01 is not proposed to be restricted. Heavy duty gates are proposed to be installed at either end of Fire Trail 02 to prevent vehicular access (except in times of emergency). It is not expected that these gates would prevent pedestrian and/or equestrian access to the Fire Trail.
2.4 Landscape buffers to major roads See comment at 2.1 above.	Changes Proposed Refer to the comments above regarding the proposed landscaping to Sutton Road.
2.6 Sutton Road The Master Plan identifies the potential for a future bypass of Sutton Village. Council should identify the route for this bypass and undertake preliminary design and costing for the works. Council should then prepare a development contributions plan to ensure all traffic generating development makes an appropriate contribution to the funding of the bypass. The proposed development is a traffic generating development. Council should include a condition requiring the developer to contribute to the cost of the Sutton bypass. The street layout within the development should be designed to take advantage of the future declassification of the adjacent section of Sutton Road from a Regional Road to a Local Road. This would involve the reservation of road reserves connecting to Sutton Road as indicated in 2.2 above.	No changes proposed. Refer to previous comments above regarding a contribution the Sutton Bypass and vehicular access to Sutton Road.
3.1 Riparian restoration As noted above in the comment on the LEP, the common lot along the Yass River frontage should be expanded to allow adequate space to undertake the required earthworks to allow for restoration of the creek bank and protection of the identified Aboriginal sites.	No changes proposed. Refer to previous comments above regarding the width of the allotment fronting the Yass River.

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<p>3.3 Management of Sutton "Common"</p> <p>The Master Plan recognises the significant environmental values of this area and considers its future management and conservation.</p> <p>The biodiversity values of this land would be significantly enhanced through maintaining connection with the grassy woodland on the proposed development area.</p> <p>The proposed zonings adjacent to the Common do not allow for this connection as apart from preservation of the existing trees there is no mechanism in the proposal to maintain the woodland values of this adjacent area.</p> <p>Construction of houses and associated disturbance in this area will negatively impact on the existing values of the Common. Linking across Guise St to areas of E3 or E2 zoning would significantly enhance environmental connectivity and better protect the environmental values of the Common.</p> <p>Having a common management entity for all of these areas of high conservation value would further improve environmental values.</p>	<p>No changes proposed.</p> <p>The site's proximity to the Sutton 'Common' was raised in a submission received during the public notification of the preceding re-zoning Planning Proposal. As part of that process, it was found that the creation of a publicly owned 'wildlife corridor' linking the existing 'common' and subject site, was not warranted.</p> <p>Further, it is proposed to create four suitably sized stewardship sites, which will provide 'in perpetuity' protection and enhancement of the biodiversity values of the land (circa 100 hectares). Each site will enter into a BSA created under the <i>Biodiversity Conservation Act 2016</i>, which will be registered on the Title of the land. The BSAs will each include agreed management actions for the land, such as fencing and the control of weeds and feral animals.</p> <p>The stewardship sites, together with the retention of almost all trees within the development site, will maintain clear connectivity with habitat opportunities to the north of Guise Street and beyond.</p> <p>In relation to the common management of these areas, this noted to be aspirational noting that Council or any other NSW Government agency are unlikely to accept such a large on-going maintenance burden.</p> <p>With regard to the proposed stewardship sites, the future landholders will be required to report annually to the Biodiversity Conservation Trust (BCT), which is ultimately responsible for ensuring that landholders comply with their obligations under the BSA. The landholders may therefore, be subject to auditing and other compliance activities by the BCT or the DPIE.</p>
Other Matters	
<p>Entry signage to the subdivision area</p> <p>The proposal identifies "estate entry" signage at the entrance to the development area. This is not appropriate in an integrated village. This will create difference between the existing village and the new development area, and if repeated at other proposed subdivisions adjacent the village, will significantly detract from the identity of the place as the single village of "Sutton".</p> <p>While many larger towns have separate estate signage or suburbs, Sutton will remain a small town for the foreseeable future and should not be divided into separate precincts.</p> <p>The proposed estate entry signage should not be approved.</p> <p>If necessary, Council should consider temporary signage during the sales period to assist potential purchasers identify the development area.</p>	<p>No changes proposed.</p> <p>The proposed estate entry signage is proposed at the main entrance to the Estate from Guise Street. The purpose of the signage is not to divide or separate the Estate from Sutton Village but rather to allow for the easy identification of the Estate and to invoke a sense of pride and ownership for future residents of the Estate.</p> <p>The proposed signage is considered to be of a design and materiality that would be consistent with the rural residential character and amenity of the locality and would allow for easy identification of the Estate. The signage would not be visible from Sutton Road and as such, would not detract from the identity of Sutton as a 'single village'.</p> <p>If preferred by Council, the Proponent would accept a suitably worded consent condition requiring the removal of the signage.</p>

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<p>No through roads</p> <p>The current subdivision layout includes a number of dead end roads. These are undesirable from the perspective of pedestrian and vehicle permeability and also do not meet the requirements for planning for bush fire protection.</p> <p>Given the potential for fast moving grass fires impacting on the development area, quick and safe access for fire fighters and easy evacuation for residents is essential. Reliance on the two fire egress trails, with "heavy duty gates" is not acceptable or desirable.</p> <p>In an emergency who will be responsible for unlocking these gates to allow egress at short notice? How will this be guaranteed?</p> <p>The proposed subdivision road layout should not be approved with no-through roads exceeding 200 metres in length. The road network should be redesigned taking into account the comments arising from the Sutton Master Plan at 2.2 and 2.6 above.</p>	<p>No changes proposed.</p> <p>The DA was supported by a Bushfire Protection Assessment prepared by Eco Logical Australia Pty Ltd (dated 10.12.2020) to assess the proposed rural residential subdivision against relevant provisions of the <i>Rural Fires Act 1997</i> as well as Planning for Bushfire Protection 2019.</p> <p>The Bushfire Protection Assessment concluded that provided the recommendations in relation to asset protection zones, landscaping, construction standards, access, services and water supplies are implemented, the proposed development would be consistent with the relevant criteria of Planning for Bushfire Protection 2019.</p> <p>It is understood that the DA has been referred to the Rural Fire Service (RFS) seeking their general terms of approval. To date, a response from the RFS has not yet been received by Council.</p> <p>It is noted that access to Fire Trail 02 is proposed to be restricted to during emergencies only by the installation of heavy duty gates at either end. It is intended that Council, the local RFS and the Community Association will hold keys enabling access to these gates during an emergency. This emergency access fire trail is proposed as the Roads and Maritime Services (RMS) prevented the provision of a public road connecting the Estate to the Old Federal Highway.</p>
<p>Stormwater management</p> <p>The plans identify a stormwater treatment pond in the public park area, however it is unclear whether this would treat all the stormwater runoff from the site entering McLaughlins Creek. If treatment of stormwater is indeed required it should include all affected runoff.</p> <p>The developer advised that drainage along the lower end of Guise St would be via a swale on the private lots. This arrangement does not guarantee the maintenance of this infrastructure over the long term.</p>	<p>No changes proposed.</p> <p>As detailed at Section 5 of the Civil Engineering Report included with the DA submission, a retarding and bio retention basin is required to be provided within the parkland area within the northeast of the site. This basin will suitably detain flows from upstream catchments, such that the outlet flows to Sutton Road are similar to pre-developed rates. A biofilter is proposed to be co-located within the retarding basin to provide additional treatment, combined with the 90kL lot tanks and road-side swales.</p> <p>The catchments were modelled using MUSIC to determine the level of treatment provided by the proposed 90kL lot tanks, road-side swales and central bio retention basin. The results of this modelling is presented in Table 10 of the Civil Engineering Report. The results indicate that the treatment provided will achieve 100% removal of gross pollutants.</p> <p>Proposed Lots 'a' – 'd' along the lower end of Guise Street are proposed to include a grassed swale, which will convey upstream flows to the Sutton Road outlet. To ensure the long-term maintenance of this infrastructure over the long-term, it is proposed to include a suitably worded easement/restriction on the Titles, which will benefit Council. Additional controls can be included as part of the Community Association Scheme.</p>

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<p>Fencing to Sutton Road</p> <p>The developer has advised that solid fencing will not be permitted to the rear of the lots backing on to Sutton Road.</p> <p>Given Sutton Road is a busy public road and owners will be seeking privacy in their back yards it seems unlikely this rule will be respected.</p> <p>The 10 metre planting easement should be removed from these lots (see comments above at Master Plan 2.1) and maintained by Council and the community. This would alleviate concerns as these back fences would be further from the road and screened by vegetation, protecting entry views and giving residents privacy.</p>	<p>No changes proposed.</p> <p>A fencing strategy was included with the DA submission so as to ensure that future fencing of the allotments reflects the preferred character. The 'post and rail' boundary fencing (Fence Type 02), rural lot entries, and masonry 'plinth' entry gateways are proposed to be provided as part of the staged subdivision works. The wire fencing with ring lock (Fence Type 01) is proposed to be provided by future landowners. It is noted that the fencing strategy would be reflected in the terms of the Community Association Scheme to be prepared at the Subdivision Certificate stage.</p> <p>Refer to the comments provided above in relation to the landscaping along Sutton Road.</p>
SUBMISSION No. 2	
Roads and Traffic	
<p>The proposed road into and out of the development (road 01 and its offshoot feeder links [roads 2 and 3]) bears no resemblance to what was canvassed in earlier discussions. All of the traffic from this 66 lot development would now enter from, and exit to, Guise Street, and some blocks even have direct driveway access to Guise Street. If this DA were to go ahead in its present form, it would completely alter the safety and character of Guise Street and the adjacent properties. My property would be particularly affected because the road weaves through the land directly opposite and connects with Guise Street immediately opposite the south-west corner of my property. Headlights from vehicles at night would be aimed directly at my home as they drive down the hill.</p> <p>I understand from the TCC briefing on 03/02/2021 that other options including possible access to the proposed development from Sutton Road and from the Old Federal Highway are not possible because of road safety considerations. If this is the case, the result is that the street where my family lives is now intended to carry the entire traffic burden into, and out of, the estate.</p> <p>Under the current DA proposal, it is entirely foreseeable (despite what the traffic modelling might suggest) that the intersection of Guise Street and Sutton Road will become a major bottleneck and a potential traffic hazard for residents and for parents who drop children off at Sutton School and Child Care, not to mention the many people who travel through Sutton to Canberra in one direction and to Gundaroo and beyond in the other direction.</p> <p>If the DA process concludes that the current proposed road system cannot be changed, then I would be very grateful if the bitumen surface could be extended to</p>	<p>No changes proposed.</p> <p>The TIA, which was included with the DA submission, examined the existing traffic conditions as well as the surrounding transport network and found that the development of the new Estate as proposed would have no potential impact.</p> <p>Should Council require, the Proponent would accept a suitably worded consent condition requiring the proposed upgrade works to extend to the eastern end of Guise Street.</p>

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<p>the (dead) eastern end of Guise Street. This would involve continuing the proposed sealing of Guise Street beyond the current intention in the DA to terminate it at the point where the eastern end of road 1 connects with Guise Street.</p> <p>In this connection, the present condition of this section of the road surface towards the end of Guise Street is appalling. Indeed it is so bad that some years ago, I had no alternative but to have the last bit of the road repaired at my own expense. However this section of the road has again deteriorated to the point where access to my driveway is now severely compromised.</p> <p>In addition, it goes without saying that all of Guise Street will become even more damaged during the four stage construction of the proposed estate because of much increased heavy truck and road equipment traffic. Having this remaining section of Guise Street properly sealed with bitumen would help make this situation more tolerable.</p>	
Guise Street Trees and Landscape	
<p>The public verge fronting Guise Street is maintained primarily by myself and my neighbours. Indeed, some years ago my neighbours and I cleaned-up this extensive area, removing all the dumped rubbish and inappropriate vegetation and effectively converting the area into attractive parkland that we regularly mow given that Council mowing is infrequent. Local horse riders, including my granddaughter, regularly use this space as a safe environment to ride recreationally. I'm concerned that with the large increase in traffic, Guise Street will become a safety hazard for people walking, cycling and riding horses on the street itself and on the grass verge.</p> <p>Large numbers of trees have been planted by local landowners on the Guise Street verge and many of these have now grown to a mature size making this area a very attractive streetscape. The DA makes reference to the number of trees that will be destroyed within the estate but is silent on the number of trees that will be destroyed should the access road to/from Guise Street and the proposed private driveways proceed as outlined in the DA.</p> <p>My fear is that the amount of tree destruction would be very substantial and that as a consequence, the whole character of this attractive streetscape would be ruined. Any replanting to replace the trees destroyed on this public land would be little compensation given that numerous existing "old growth" trees are many decades old and it has taken at least 10 years for the ones planted by local landowners to reach their current size.</p>	<p>No changes proposed.</p> <p>The Guise Street verge has recently been surveyed to determine the actual locations of all trees with trunks 0.3m and above.</p> <p>The results of this survey are included at Attachment 5 and demonstrate that there are 260 existing trees within the Guise Street verge. At previous site inspections, these trees were noted to be a mixture of native and exotic species and of various maturity.</p> <p>It is anticipated that there will be some tree loss as a result of the driveway construction to the dwellings fronting onto Guise Street as well as the construction of the Guise Street upgrades. Notwithstanding, it is expected that the greatest impact to the trees will come from the proposed upgrade works – especially the extent of the earthworks/re-grading. The proposed driveway locations and upgrade works are subject to detailed design at the Construction Certificate phase and as such, it is noted that the design would seek to preserve as many mature trees as possible – consistent with the approach taken for the alignment of the internal subdivision roads and driveways.</p> <p>Further to the above, the Proponent would be willing to accept a suitably worded consent condition requiring the planting of native trees (of semi-mature stock) within the Guise Street verge post completion of the road upgrade works.</p>

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Matter Raised	Comment
<p>It should also not be forgotten that these trees (which link up with the E2 Environmental Conservation Zone on the northern side of Guise Street adjacent to Moorong Street), provide an important habitat corridor for a wide variety of native birds and especially the endangered Superb Parrot which is reported to have been pushed out of areas on the fringe of Gungahlin that were recently developed for new housing.</p>	
Rezoning	
<p>The Sutton Masterplan seeks "to ensure that all new and infill development reflects the existing or preferred character of the surrounding neighbourhood".</p> <p>Existing R5 blocks in Guise Street are each 2.6 ha (25,800 square metres). I stand to be corrected, but it appears that the R5 land zoning was earlier set by Council at a minimum lot size of 15,000 square metres. However, this minimum seems to have been reduced to 5,000 square metres for the Cartwright family's DA. Most of the proposed R5 blocks are much smaller than the existing 25,800 square metre blocks and indeed the proposed lot (ae) directly opposite my property, at only 8,719 square metres, is the smallest one.</p> <p>TCC advised on 03/02/2021 that the average size of the estate lots is about 2.5ha when the four large E3 lots are taken into account. But surely this sort of calculation is not in the spirit of the Master Plan's intention. The considerable number of lots proposed in the DA of around 10,000 square metres are completely out of character with the existing 25,800 square metre lots fronting the eastern end of Guise Street.</p> <p>The DA's smaller R5 lots would have very adverse effects to existing nearby residents such as my family especially in relation to the overall appearance of the landscape, on tree coverage, underground water, effluent management, noise and traffic.</p> <p>If the R5 lots in the DA are not able to be increased in size to something approaching 2.5ha on average (excluding factoring in the large E3 lots which currently distort the calculation), I would be grateful if the current (ae) block of only 8,710 square metres directly opposite my property could be removed and incorporated into the proposed (ca) E3 Environmental Management lot.</p> <p>In this connection, a small lot like the one identified as "ae" located very close to my 25,800 square metre R5 lot and incorporating an effluent management zone immediately opposite my front garden does not respect my family's very substantial investment of time and money improving our property over the last 16 years.</p>	<p>No changes proposed.</p> <p>It is important to note that the Sutton Master Plan indicated potential re-zoning to E4 Environmental Living with a 2.5-hectare minimum lot size for the bulk of the site. Based on our estimates, this identified area was approximately 120 hectares, which could hypothetically yield 48 allotments. In addition to this, the Master Plan indicated a large area adjacent to the Village and Sutton Road for potential re-zoning to R2 Low Density Residential with a minimum lot size of 5,000m². Based on our estimates, this identified area was approximately 15 hectares, which could hypothetically yield 30 allotments.</p> <p>The subdivision proposed aligns with the adopted provisions of the YVLEP 2013 and provides for creation of 47 x R5 Residential Large Lot Zone allotments with an average area of 1.5 hectares and 19 x RU5 Village allotments with a minimum area of 5,000m², which is below the development yield envisioned by the Sutton Master Plan. It also proposes 4 large stewardship allotments, which will ensure the 'in perpetuity' protection of over 100 hectares of the site with significant environmental and biodiversity values.</p> <p>Based on the above, the subdivision proposed is considered to result in an environmentally superior outcome to that envisioned by the Master Plan – whilst also delivering a similar development yield for the site.</p> <p>Noting the above, the assumption that the development proposed would have greater adverse effects to the existing nearby residents by way of overall appearance of the landscape, tree coverage, underground water, effluent management, noise and traffic – is unlikely to be case. It is our opinion that the development proposed will provide sustainable housing and lifestyle opportunities in which the preservation and conservation of the land's environmental and biodiversity values are duly recognised and appreciated.</p> <p>In relation to proposed lot 'ae' it is consistent with the zoning of the land and provides for a generously sized building envelope for which a future dwelling house could be located.</p> <p>The existing property as mentioned in the submission (assumed to be Lot 380 DP754882) comprises a large dwelling setback approximately 40m from the Guise Street road reservation, which has a width of approximately 28m. The building envelope on proposed lot 'ae' is setback 20m from the Guise Street reservation and therefore, the separation distance between the existing and future dwellings is likely to be a minimum of 88m (approx..). This separation is not too dissimilar to the existing dwellings on the neighbouring properties, which enjoy a separation of 95m and 115m to the dwelling on Lot 380.</p>

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	In relation to the effluent management zone (EMZ) shown on lot 'ae', it is noted to be an indicative area only. The actual location of the EMZ will be specified in the future On-Site Sewage Management (OSSM) Report for the allotment and may be located within the building envelope and/or the indicative EMZ. Therefore, together with the separation distances noted above, the future OSSM is not considered to be too close to the dwelling and/or landscaped areas on Lot 380.
Single or Dual Occupancy	
No information was provided at the TCC briefing on 03/02/2021 regarding whether the DA prohibits dual occupancy development. I hope that dual occupancy is prohibited so that the estate is not disfigured aesthetically by numerous second dwellings and by the attendant increase in noise and traffic that this sort of development would enable.	<p>No changes proposed.</p> <p>Dual occupancies are prohibited within the RUS Village Zone under the provisions of the YVLEP 2013.</p> <p>As per Clause 6.13 of the YVLEP 2013, dual occupancies are permissible with consent on land zoned R5 Large Lot Residential provided that the area of the land is at least 10,000m². Dual occupancies are also permissible with consent on the land zoned E3 Environmental Management.</p> <p>It is noted that any future development application for the construction of a dual occupancy would need to have due consideration for the potential impact on the environmental and biodiversity values of the land – If it were to occur outside of the building envelope and/or effluent management provisions registered on Title. Due to the level of technical reporting required, this in itself is likely to be a deterrent to future landowners pursuing a dual occupancy development – particularly when such reporting may not support the development of the land for that intended purpose.</p>
Water	
<p>I acknowledge the advice given by TCC on 03/02/2021 that the DA provision for reticulated bore water from two community-owned bores to each lot aims to reduce the need for land purchasers to apply for their own individual bore licences.</p> <p>However, notwithstanding the good intentions of this innovation, I'm very concerned that the underground water extraction from the community bores will simply exacerbate the fact that groundwater table levels in the area are falling and that in some instances, bores are already running dry. This problem will, of course, only get worse if some individual lot purchasers choose to apply for, and are granted, individual bore licences.</p> <p>The DA proposal for additional underground water depletion runs counter to sound environmental science and disregards community concerns regarding the need to conserve this resource.</p>	<p>No changes proposed.</p> <p>The viability of the reticulated bores for non-potable water supply is currently being explored by the Proponent and sub-consultant team. Should the viability of the reticulated bores prove to be unfavourable, it would not be pursued. If it is pursued, it is noted that it would be subject to rigorous assessment and reporting to qualify the risk of development and continuous supply. This assessment and reporting would also be used to inform the relevant licencing and approval applications with Water NSW and the Natural Resources Access Regulator (NRAR).</p> <p>It is important to note that the development proposed is not reliant on the reticulated bore option. As detailed in the Civil Engineering Report included with the DA submission, each dwelling would be provided with water supply via a 90kL water tank in accordance with the requirements of Council's Policy – Water Supply for Rural Areas and Villages.</p>

P L A N N E D

Matter Raised		Comment
SUBMISSION No. 3		
Sutton Village Heart		
<p><i>Master Plan Item 1.2 Strengthen community and commercial focus on Camp St and Victoria Street</i></p> <p><i>Issue:</i> The proposed design does not integrate the Development with Sutton village. See comments at Item 2.2 below.</p> <p><i>Solution:</i> See Item 2.2 below.</p>		<p>No changes proposed.</p> <p>Refer to the previous comments (above) regarding the proposed road layouts and existing village grid pattern.</p>
Sutton Village Domain		
<p><i>Master Plan Item 2.1 Sutton village entrance avenue - 5 metre wide avenue of canopy trees</i></p> <p><i>Issue:</i> See Item 2.4 below.</p> <p><i>Solution:</i> See Item 2.4 below.</p>		<p>Changes Proposed</p> <p>Refer to the comments above regarding the proposed landscaping to Sutton Road.</p>
<p><i>Master Plan Item 2.2 New roads connect to existing village grid – Ensure new road location and design integrates well with existing village layout. New roads reflect the form and design of existing village grid taking into account site characteristics. High level of accessibility and connectivity between new and existing streets.</i></p> <p><i>Settlement Strategy, p 72: need to retain the recto-linear street grid if future expansion occurs.</i></p> <p><i>Issue:</i> The new roads in the Development do not connect to the existing village and do not reflect the form and design of the existing village grid. There is not a high level of accessibility and connectivity between new and existing streets (eg: new roads going north and south do not align with existing non-sealed and sealed roads going north and south). This has a flow-on effect in reducing integration and diluting commercial and community focus (Item 1.2 above.)</p> <p>Any signage at the entrance to the Estate also needs to be consistent with the importance of integrating this development with the existing village.</p> <p>Sutton Village was gazetted in 1867 in a grid pattern. In the original grid pattern Bywong, Quartz, Golden and Moorong run roughly north/south. Only Bywong and Moorong have been sealed and are used by cars.</p> <p>The first entrance to the new development appears to be in line with Golden St. Not only is Golden St not used by cars, but it runs through 'Sutton Reserve' which is of</p>		<p>No changes proposed.</p> <p>Refer to the previous comments (above) regarding the proposed road layouts and existing village grid pattern.</p> <p>In relation to the suggested access to the Old Federal Highway (opposite the Tulip Farm), this was discounted as an option as part of the preceding Planning Proposal Application. During that process, the RMS refused access to the Old Federal Highway. Noting that alternative access for bushfire emergencies is required, the proposal includes provision for a fire trail accessing the Old Federal Highway, which will operate in emergencies only.</p>

T O W N P L A N N I N G S O L U T I O N S

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<p>ecological significance, being Yellow Box- Blakely's Red Gum – Grassy woodland. The second entrance is not aligned with any road at all.</p> <p><i>Solution:</i> Extend Moorong St south as a sealed road to flow into the Development. Alter the proposed Golden St extension from a sealed road to a common, including a pedestrian/cycle/equestrian link to the Village Heart. Insert a common, including a pedestrian/cycle/equestrian link north to south aligning with Quartz St (which is sealed to the village north, but not in the centre). Doing this would provide a good link to the Sutton Primary School and Village heart and be somewhat in keeping with north/south aspects of the grid layout. Second entrance to be altered in keeping with grid layout.</p> <p>East/West roads or road reserves should be included in the Development to be in keeping with the grid layout and to facilitate future connections to Sutton Road (to facilitate possible change of Sutton Road to a regional road) or other developments (such as the progressing development on the east of Sutton Road). East/West roads also better facilitate future integration between the existing village and future developments in and around Sutton Village. Indeed, the Settlement Strategy 2017-2036 (p72) specifically provides that there is a 'need to retain the recto-linear street grid if future expansion occurs.'</p> <p>Finally, shouldn't there to be two vehicular entry/exit points from the area for fire safety reasons at least? The proposed fire trail is not a sufficient substitute for the second exit point. An entry/exit near the Tulip Farm would be sensible.</p>	
<p><i>Master Plan Item 2.3 Pedestrian/ Cycle/ Equestrian paths - increased activity and recreation opportunities within Sutton village</i></p> <p><i>Master Plan Page 11 "Pedestrian and Cycle network"</i></p> <p><i>Issue:</i> There is either insufficient, or nil, provision for pedestrian/cycle/equestrian paths in the Development. Save for an equestrian link running west to east to the river and a single pedestrian pathway from the proposed open space to Guise Street, there are no other paths proposed. Indeed, there is no cycle pathway proposed at all. Sutton is frequented by long distance cyclists, and residents and their children frequently cycle in the village (albeit without pathways to assist currently, which is an ongoing concern of the SDCA). Developing a cycle pathway is part of the Master Plan. This should be included in the DA. Further, in keeping with Items 1.2 and 2.2 above, footpaths and cycle routes should link all the areas of Sutton village – both existing and the new development.</p>	<p>No changes proposed.</p> <p>Refer to the previous comments (above) in relation to the provision of pedestrian/cycle/equestrian pathways.</p>

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<p><i>Solution:</i> Include a pedestrian/cycle pathways along Sutton Road, along the approved roads through the Development, and along any proposed equestrian link to the river.</p>	
<p><i>Master Plan Item 2.4 Landscape buffers to major roads: inclusion of 10 metre wide landscape 'easement' within lots whose side or rear boundary abut Sutton Road or future bypass. To screen rear or side yards from main road.</i></p> <p><i>Issue: Twofold:</i></p> <ol style="list-style-type: none"> 1. It appears to be proposed that landowners maintain the land comprising the entrance to the village along Sutton Road. This is inappropriate. Council needs to take responsibility for the maintenance of a sufficient amount of land comprising an easement along Sutton Road forming the entrance to the village. 2. Consistency and appearance of entrance to the village. The entrance needs to look well maintained, inviting and safe, and accessible to pedestrians cyclists/horse riders/the public. No high or inappropriate fencing. Also needs to be consistent on both sides of Sutton Road, and thus should be replicated on the other side (being the proposed Kier development) <p><i>Solution:</i> Extract from the 10m wide planting easement for private lots a sufficient easement for a landscape buffer along Sutton Road in keeping with the Master Plan, to be initially created by developer but then maintained by YVC (with assistance from residents of Sutton, SDCA and Sutton Landcare). Include fencing restrictions along Sutton Road as part of the sale of lots.</p>	<p>Changes proposed.</p> <p>Refer to previous comments (above) regarding the 10m wide landscape treatment along Sutton Road.</p> <p>No changes proposed.</p> <p>As detailed previously, a fencing strategy was included with the DA submission so as to ensure that future fencing of the allotments adjoining Sutton Road reflects the preferred character. It is noted that the fencing strategy would be reflected in the terms of the Community Association Scheme to be prepared at the Subdivision Certificate stage.</p> <p>For the RUS allotments adjoining Sutton Road, the fencing along this boundary alignment is proposed to comprise the 'post and rail' rural-type fencing. This fencing will be constructed as part of the staged subdivision works so as to ensure a high-quality outcome for the entrance to the Village.</p> <p>As per the Fencing Strategy, the R5 allotments along Sutton Road would be required to have wire fencing with ring lock, which is consistent with Council's Policy for Non-Urban Fencing.</p>
<p><i>Master Plan Item 2.6 Sutton Road</i></p> <p><i>Issue:</i> There appears to be no proposed contribution towards the Sutton Bypass. This development is traffic generating. There is no reason why it should not contribute to the Bypass solution which is aimed to benefit the entire community.</p> <p><i>Solution:</i> YVC should obtain contribution to the Sutton Bypass.</p>	<p>No changes proposed.</p> <p>Refer to previous comments above regarding a contribution the Sutton Bypass.</p>

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Sutton Village Environment	
<p><i>Master Plan Item 3.1 Riparian restoration - Yass River and McLaughlins Creek</i></p> <p><i>Comment:</i> Next to the river, there is an opportunity to create walking/cycling paths for all the Sutton community to enjoy. It is also an opportunity to highlight the biodiversity of the Yass River – and its importance to First Nation and for the European settlers. There needs to be sufficient space allocated to such usage (see eg Queanbeyan River development along River Road, the walks along Yass Gorge with community groups and YVC managing together). The current 1-2m space allocated is insufficient. Query also whether this allotment is compliant with clause 6.13(3)(e) of the Yass Valley LEP (namely, "in relation to land adjoining the Yass River, all land adjoining the Yass River will be retained in one lot"), interpreted in accordance with its purpose at clause 6.13(5)(b).</p>	<p>No changes proposed.</p> <p>Refer also to the previous comments (above) in relation to the allotment along the Yass River.</p> <p>With regard to Clause 6.1395)(b) of the YVLEP 2013, the width of the allotment is considered to be sufficient in providing for the rehabilitation of the Yass River (as it adjoins the subject land). It is noted that the area (circa 8,000m²) will be the subject of a Rehabilitation Management Plan, which will detail the works to improve the environmental integrity of the River at this location. Such works are likely to include the removal of noxious weed species, bank stabilisation and revegetation with appropriate native species.</p>
<p><i>Master Plan Item 4.1 New R2 Low Density Residential areas for village growth</i></p> <p><i>Issue:</i> The impact of 67+ lots on existing groundwater reserves servicing the current community. The proposed community bore is a good idea and is located sensitively, but there has been insufficient investigation undertaken to determine whether the proposed community bore would tap into existing groundwater supplies of the current community. Such studies should be undertaken before the Development is approved.</p> <p><i>Solution:</i> The developer undertake groundwater studies to ensure that the proposed community bore (which is a good idea) does not reduce existing ground water supplies for current residents.</p>	<p>No changes proposed.</p> <p>Refer to the previous comments (above) in relation to the reticulated bore option.</p>
Sutton Village Master Plan Implementation: Drainage	
<p><i>Master Plan pg 9 Drainage</i></p> <p><i>Drainage systems and stormwater runoff should be routed along streets and areas of public open space.</i></p> <p><i>An underground stormwater drainage system to collect water from swale drains is to be provided for all new RUS Village roads to cater for a 20% AEP event.</i></p> <p><i>Issue:</i> Drainage for the lots abutting Sutton Road is proposed by open easements over land.</p> <p><i>Solution:</i> Flood management needs to be consistent with flood plans. Should underground stormwater draining systems should be provided to cater for 20% AEP events?</p>	<p>No changes proposed.</p> <p>It is acknowledged that an existing conditions flood study for Sutton, inclusive of the subject site, has previously been undertaken for Yass Valley Council and is presented in the <i>Sutton Flood Study</i> (prepared by WMA Water in March 2016). The Sutton Flood Study was adopted by Council on 21 December 2016 and was prepared in accordance with the principles and guidelines of the State Government's Floodplain Development Manual 2005. The adopted Flood Study acknowledges the subject land's susceptibility to localised flooding and details a strategic direction in mitigating flood impacts in the development of the land identified within the flood planning area.</p> <p>In accordance with the Floodplain Development Manual, the flood planning area for mainstream flooding is defined as the flood extent formed by the 1% AEP mainstream flood event plus a freeboard. Yass Valley Council has adopted a freeboard of 0.5m, which is incorporated into clause 6.2 of the Yass Valley Local Environmental Plan 2013. The purpose of extending the flood planning area beyond the 1% AEP flood extent is to account for modelling uncertainties, and to</p>

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	<p>allow for any future increases in flood extents due to climate change and as well as an allowance for differences between flood behaviour during events.</p> <p>The proposed stormwater drainage principles are detailed in the Civil Engineering Report, which was included with the DA submission. In relation to the proposed road-side swale drains, they have been designed to capture and convey stormwater flows through the development site to the various outlets around the boundaries of the site. The swale drains will provide 1% AEP capacity with no pit and pipe infrastructure proposed.</p> <p>The proposed approach is considered to be desirable based on the following:</p> <ul style="list-style-type: none"> It is consistent with the stormwater management approach typically adopted for developments of a rural residential nature. The Proponent's vision for the development of the site is to create a high-quality rural residential neighbourhood that adopts a 'light touch' approach to the development of the land, which respects the known biodiversity value of the land and its prominence at the gateway to Sutton Village. The expert civil engineering advice/design provided by Spiire has determined that no grading of lot finished surface is proposed and as such, existing topography and general drainage patterns will remain unchanged. This is consistent with the Proponent's vision (above).
SUBMISSION No. 4	
Lot Layout Design Standards	
<p>Sutton Masterplan states "subdivision layout should reflect the adjacent settlement patterns and character" and "ensure that all new and infill development reflects the existing or preferred character of the surrounding neighbourhood"</p> <p>The Yass Valley Settlement Strategy supports this with the guiding principle: "Future developments should complement existing settlement structure, character and uses".</p> <p>The proposal's subdivision plan details a separate village structure that shares none of the character, layout or identity of Sutton. It is a completely standalone estate with its own roads, signage, fences, entrance gate, zoning definitions and name. No attempt has been made to integrate it with the existing village.</p> <p>The YVC LEP was recently altered (6.13 (3)) to redefine the R5 zone in the Cartwright development from a minimum area of 1.5ha to a minimum of 0.5ha. Elsewhere in the LGA the R5 minimum lot size stands at 1.5ha. Aside from opening a floodgate of bespoke zoning redefinitions from future developers, the (much) smaller Cartwright R5 lots share little of the character of the adjacent "real" R5 lots because of their size.</p>	<p>No changes proposed.</p> <p>Refer to the previous comments (above) regarding the proposed road layouts and existing village grid pattern.</p> <p>It is important to note that the minimum size shown on the YVLEP 2013 Lot Size Map in relation to the land is 1.5 hectares. Clause 6.13(3) of the YVLEP 2013 is an averaging provision, which enables the subdivision of the land where the average area of all lots created would be 1.5 hectares. None of the lots created could have an area less than 5,000m² and none of the lots could have an area greater than 2.5 hectares. This provision was inserted into the YLEP 2013 subsequent to discussions with Council and the NSW DPIE ecologists. The reasons for this were:</p> <ul style="list-style-type: none"> It would prevent future requests for the re-subdivision of the land under Clause 4.6 thereby ensuring that the development retains, and is complementary to, the environmental attributes of the nominated land and adjoining lands. It would enable a more responsive design outcome noting that the lot yield across the R5 Zone could not exceed the yield possible if all lots were a minimum of 1.5 hectares. Effectively, the number and density of lots would be the same but the lot layout can be more responsive to the site conditions including tree retention, topography, aspect and drainage lines.

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<p>Proposed Outcomes:</p> <ul style="list-style-type: none"> Redesign subdivision layout to reflect Masterplan requirements. Proposal R5 blocks adjacent to existing "regular" sized R5 blocks to retain similar sizing and character as per the Masterplan. 	<p>As detailed in the SEE Report included with the DA submission, the proposed subdivision of the R5 zoned land complies with the provisions of Clause 6.13(3)(a)-(d). On this basis, it is not considered to be justified to request that the R5 lots fronting Guise Street be altered to 'match' the layout of the existing R5 lots on the opposite side of Guise Street.</p>
Roads	
<p>Sutton Masterplan 2.2 requires that new roads connect to and reflect the form and design of existing village grid to consolidate existing Village character. The proposed road design does not achieve this.</p> <p>I note that a sub-clause was added last year to the LEP (6.13) (without the public consultation so highly valued by YVC) forcing all estate traffic down Guise St. This was after the minutes of the 28 Aug 2019 council meeting to vote on Sutton rezoning recorded that traffic issues were to be addressed at the Development Application stage in the development process.</p> <p>Concerns raised by the RMS in the rezoning proposal re. vehicle access off Sutton Road related to the 100km/h speed limit of that road at the time.</p> <p>The Sutton Masterplan calls for a pedestrian and cycle network within RU5 zones to encourage physical activity and provide connections to existing village facilities. The proposal shows a single footpath to the community park only.</p> <p>Proposed Outcomes: Review road access to estate as outlined in Council meeting with emphasis on:</p> <ul style="list-style-type: none"> Possible vehicle access to Sutton Road given that it's now an 80km/h zone and the council are actively working on a bypass around this road as per the Masterplan. Continue village grid layout through new development as required by Masterplan. Morwong Street could easily be extended into the new development. Extend public footpaths throughout RU5 zone 	<p>No changes proposed.</p> <p>Refer to the previous comments (above) regarding the proposed road layouts and the provision of pedestrian/cycle/equestrian pathways.</p> <p>In relation to the possibility of vehicular access to Sutton Road, the TIA examined the existing traffic conditions as well as the surrounding transport network and found that the development of the new Estate as proposed would have no potential impact. As such, there would be no reason to re-design the subdivision layout as proposed to include vehicular access to Sutton Road.</p>
Tree Retention and Removal	
<p>22 Eucalypt trees to be removed – 7 of these from the E3 "Environmental Management" zone.</p> <ul style="list-style-type: none"> No justification provided for removing any of the trees 	<p>No changes proposed.</p> <p>Refer to previous comments (above) in relation to the proposed removal of trees within the development site and along Guise Street and the comments regarding the Sutton 'Common'.</p>

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<ul style="list-style-type: none"> – The Sutton Masterplan strongly discourages removal of mature hollow-bearing trees. Tree removal can be avoided by enlarging lots, changing boundaries and relocating roads as required. – Many trees to be removed are mature to old-age eucalypts providing prime nesting hollows for the state/nationally vulnerable Superb Parrot – As stated in the Masterplan "The loss of hollow-bearing trees is a key threatening process under the Biodiversity Conservation Act 2016" – The main objective of the E3 Environment zone (YVC LEP) is to "To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values. Limited development that does not have an adverse effect on these values". Seven eucalypts are listed to be removed from this zone. – The main objective of the RS Large Lot Residential zone is "To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations ...". Again large mature Eucalypts in this zone need to be retained and protected. – I do feel that this proposal is trying to shoehorn a pre-determined number of lots into the site rather than working within current environmental and physical constraints. – No trees along Guise Street (inside the site boundary) have been identified on the Tree Impact Plan. A rough count shows at least 100 trees (>6m tall) in the road reserve; many of these will be removed with road widening. – Driveway access to lots from Guise Street will require further trees to be removed – Tree removal will significantly fragment the Guise St wildlife corridor between the high conservation value Sutton "Common" and the E3 zone identified in the estate zoning plan. <p>Proposed Outcomes:</p> <ul style="list-style-type: none"> ▪ Resurvey site to show all trees affected by this proposal ▪ Provide justification for all tree removals ▪ Determine final road alignment along Guise Street showing which trees will be removed 	<p>We note that the proposed subdivision layout is considered to be a benchmark approach to the identification and sustainable protection of significant environmental and biodiversity values and has been developed through extensive consultation with both Council and the NSW DPIE ecologists. The development proposed is a very good response to the <i>Biodiversity Conservation ACT 2016</i> and is considered to achieve favourable outcomes for all relevant stakeholders.</p>

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<ul style="list-style-type: none"> Identify which trees will be removed along Guise Street for driveway access Retain all trees in road reserve along eastern Guise Street as a local wildlife corridor linking two high conservation areas. Tree preservation orders required for all large hollow-bearing trees Tree removal from the E3 and R5 zones directly contravenes the primary objective of these zones as per YVC LEP. Relocate roads and boundaries as necessary. 	
Battle-axe Blocks	
<p>Sutton Masterplan states "Battle-axe allotments will only be approved in exceptional circumstances where it can be demonstrated that the proposed layout provides a positive heritage or environmental solution". Five battle-axe lots are outlined in the proposal. There is absolutely no environmental merit to this DA proposal and none to be gained by these battle-axe lots.</p> <p>Proposed Outcome: Remove all battle-axe blocks from subdivision to comply with Sutton Masterplan.</p>	<p>No changes proposed.</p> <p>As shown on the Subdivision Plan included with the DA submission, five (5) battle-axe allotments are proposed – namely lots 's', 'al', 'bd', 'cc' and 'cd'.</p> <p>Proposed lots 'al' and 's' have a battle-axe configuration as it achieves an efficient use of available RUS and R5 zoned land. The proposed configuration also results from the alignment of the internal subdivision roads, which have been designed to achieve efficiencies in providing direct access to the largest number of allotments possible. This in turn has reduced the overall impact of the development on the environmental and biodiversity values of the land and has reduced the length of road to be dedicated to Council.</p> <p>In relation to proposed lots 'cc' and 'cd', it is our opinion that they are not strictly 'battle-axe lots' noting that they each have ample opportunity to obtain vehicular access directly from the internal subdivision roads for which they enjoy significant frontage. It was ultimately proposed that these allotments share a driveway access from proposed Road 01 so as to reduce the collective length of driveway construction and thus reduce the impact to the environmental and biodiversity values of the land. Lot 'bd' is also proposed to share this driveway access noting that it was difficult to achieve adequate sightlines for an individual driveway along the allotment's frontage to Road 01.</p> <p>Based on the above, it is considered that the proposed battle-axe allotments provide for an 'environmental solution' as provided for in the Sutton Master Plan.</p>
Traffic	
<p>"The Traffic Impact Assessment (TIA) found that the development of the new Estate as proposed would have no potential impact." DA 3.2.1</p> <p>The TIA says no such thing. Nearly doubling the village population is of course going to have an impact on traffic. For example the TIA predicts an 800% increase in traffic past the school entrance on Guise St, and the lack of footpaths and public transport in the estate will mean that traffic movements will likely be higher than predicted.</p>	<p>No changes proposed.</p> <p>The TIA identified that the existing road capacity in the immediate vicinity of the site is well within operational capacity. Subsequent to the subdivision of the land, the TIA identifies that there is a predicted additional 57 vehicle trips that would enter the external road network during the peak hours (7am – 9am and 3pm – 5pm) and a predicted additional 603 daily vehicle trips.</p>

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P L A N N E D

Matter Raised	Comment
<p>The traffic predictions also don't allow for years of heavy truck and tradesman vehicle movements generated by construction of the estate and houses within it.</p> <p>Proposed Outcome: Rewrite DA 3.2.1 to give an accurate assessment of traffic changes expected.</p>	<p>At Section 2, the TIA presents the results of the traffic surveys undertaken at key locations, including Guise Street and Sutton Road (north and south of the Federal Highway), and illustrates the peak hour traffic volumes and patterns at Figure 10. In relation to the peak hour movements past the Sutton Primary School, it is assumed that the TIA results for Sutton Road northbound (NB) and southbound (SB) (north of the Federal Highway) are relevant to the School frontage.</p> <p>As detailed in the TIA, the following volumes were recorded:</p> <ul style="list-style-type: none"> ▪ Sutton Road NB – AM Peak = 117, PM Peak = 331 ▪ Sutton Road SB – AM Peak = 384, PM Peak = 156 <p>Using the traffic flow patterns at Section 2, the TIA (at Section 5) predicts the traffic distribution post development implementation. The results were:</p> <ul style="list-style-type: none"> ▪ Sutton Road NB – AM Peak = 117, PM Peak = 391 ▪ Sutton Road SB – AM Peak = 444, PM Peak = 156 <p>As can be seen above, during the AM Peak there will be no change for Sutton Road NB. For Sutton Road SB there be a slight increase of 60 movements. During the PM Peak, there will be no change for Sutton Road SB. For Sutton Road NB there will be a slight increase of 60 movements. These figures do not represent an 800% increase in traffic past the School as the submission suggests.</p> <p>As detailed previously, the proposed roads are to be dedicated to Council and as such, the sealed pedestrian pathways have been limited to those areas of the Estate that are likely to have the greatest population (i.e., village lots) and to key linkage routes to provide access to the parkland and Sutton Public School. Due to the large collective length of road within the Estate, it was considered to be an on-going maintenance burden for Council should the sealed pedestrian pathways be provided for the entire length of roads to be dedicated. Further to this, the use of such infrastructure is expected to be limited noting the rural residential environment and the large distances involved.</p> <p>With regard to public transport, apart from the dedicated school services, there are no regular public transport routes that service the area or the adjacent village of Sutton. As such, there are no bus stops located in close proximity to the site. On this basis, it was considered unnecessary to provide bus stop infrastructure throughout the Estate.</p> <p>In our opinion, it is the remoteness of Sutton that is the contributing factor to traffic movements, not the lack of footpaths and public transport in isolation. Sutton has a rural/rural residential character and the development proposed is consistent with what is expected in relation to the provision of footpaths and public transport in a rural/rural residential environment.</p> <p>The impact of construction vehicles on traffic volumes is expected to be minimal. Notwithstanding, the Proponent and sub-consultant team can provide further information on this matter should Council require.</p>

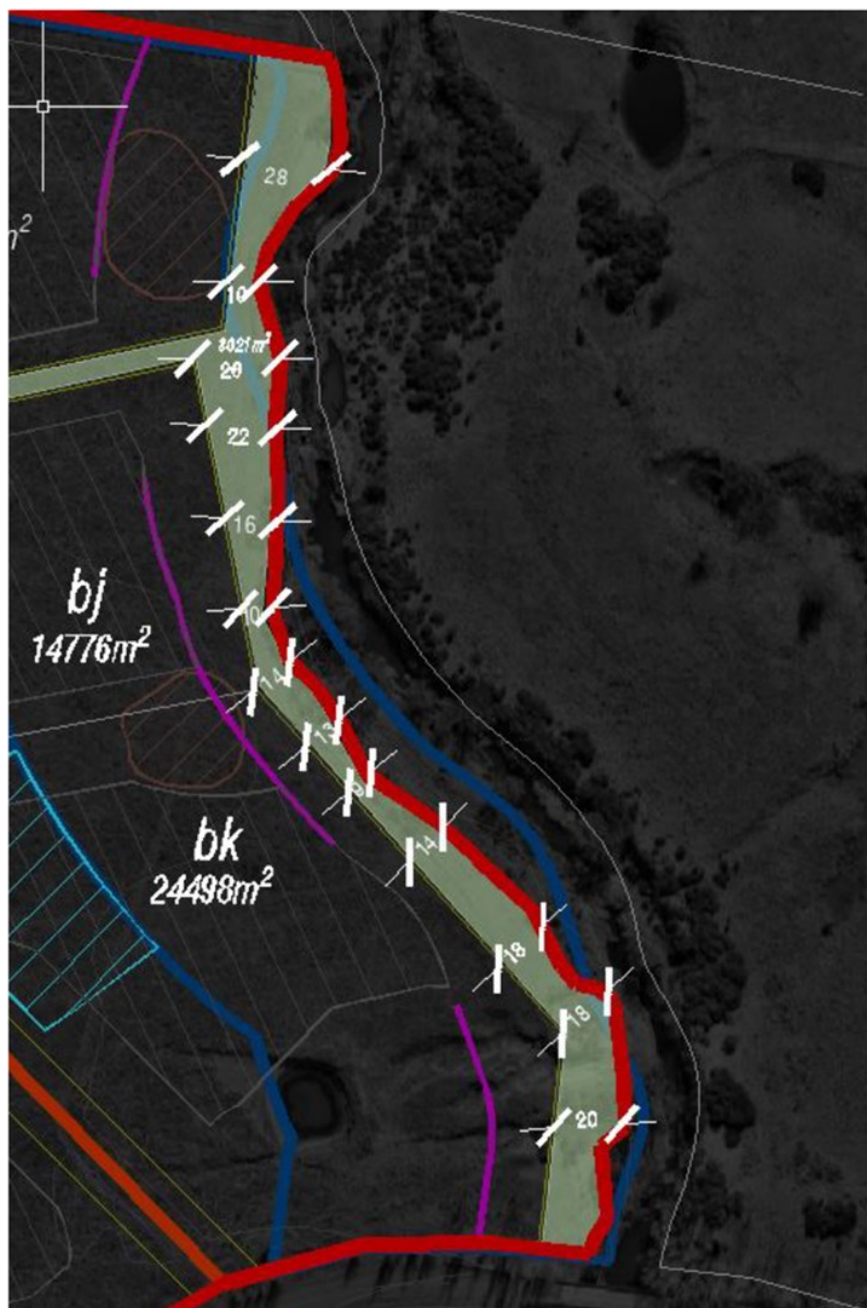
P L A N N E D

Matter Raised	Comment
Provisions of Telecommunications	
<p>YVC Policy DA POL-17 requires all rural-residential (R5 and RUS) subdivisions to provide fibre and fixed-line telecoms to each lot. Certain exemptions apply but this development doesn't appear to fulfil these. No mention of fibre infrastructure in the proposal other than an NBN fibre solution is considered too expensive.</p> <p>Proposed Outcome: Provide alternative fibre solution that complies with YVC Policy DA POL-17.</p>	<p>No changes proposed.</p> <p>As detailed in the Civil Engineering Report included with the DA submission, the following is noted in point:</p> <p>NBN</p> <p>NBN advised that the total hauling distance from the closest FAN site to the Estate is approximately 16.5km with 8km duct build required. The estimated cost of this connection is prohibitive. Accordingly NBN advised that the Sky Muster satellite service delivers the NBN broadband access network to homes in regional Australia and will be the appropriate platform for broadband access to this project.</p> <p>TELSTRA</p> <p>Reticulated telecommunications infrastructure already traverses the development site and is available for connection to future dwellings. Telecommunications for each lot is proposed to be located within the road verge and will be supplied through the front of the allotments for connection to the future dwellings.</p>

TOWN PLANNING SOLUTIONS

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ATTACHMENT 3 - Diagram Showing Actual Width of the Allotment Fronting the Yass River



TOWN PLANNING SOLUTIONS

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ATTACHMENT 4 - Photos of the Yass River Corridor Adjoining the Estate



Photo 1: Yass River (looking north from eastern property boundary – near to centre)



Photo 2: Yass River (looking east from eastern property boundary – near to centre)

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Photo 3: Yass River (looking southeast from eastern property boundary – near to centre)



Photo 4: Yass River (looking south/southeast from eastern property boundary – near to centre)

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Photo 5: Yass River (looking northeast from eastern property boundary – near to northeast corner)



Photo 6: Yass River (looking east from eastern property boundary – near to northeast corner)

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Photo 7: Yass River (photo taken from within the corridor)



Photo 8: Yass River (photo taken from within the corridor)

TOWN PLANNING SOLUTIONS

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Photo 9: Yass River (photo taken from within the corridor)



Photo 10: Yass River (photo taken from within the corridor)

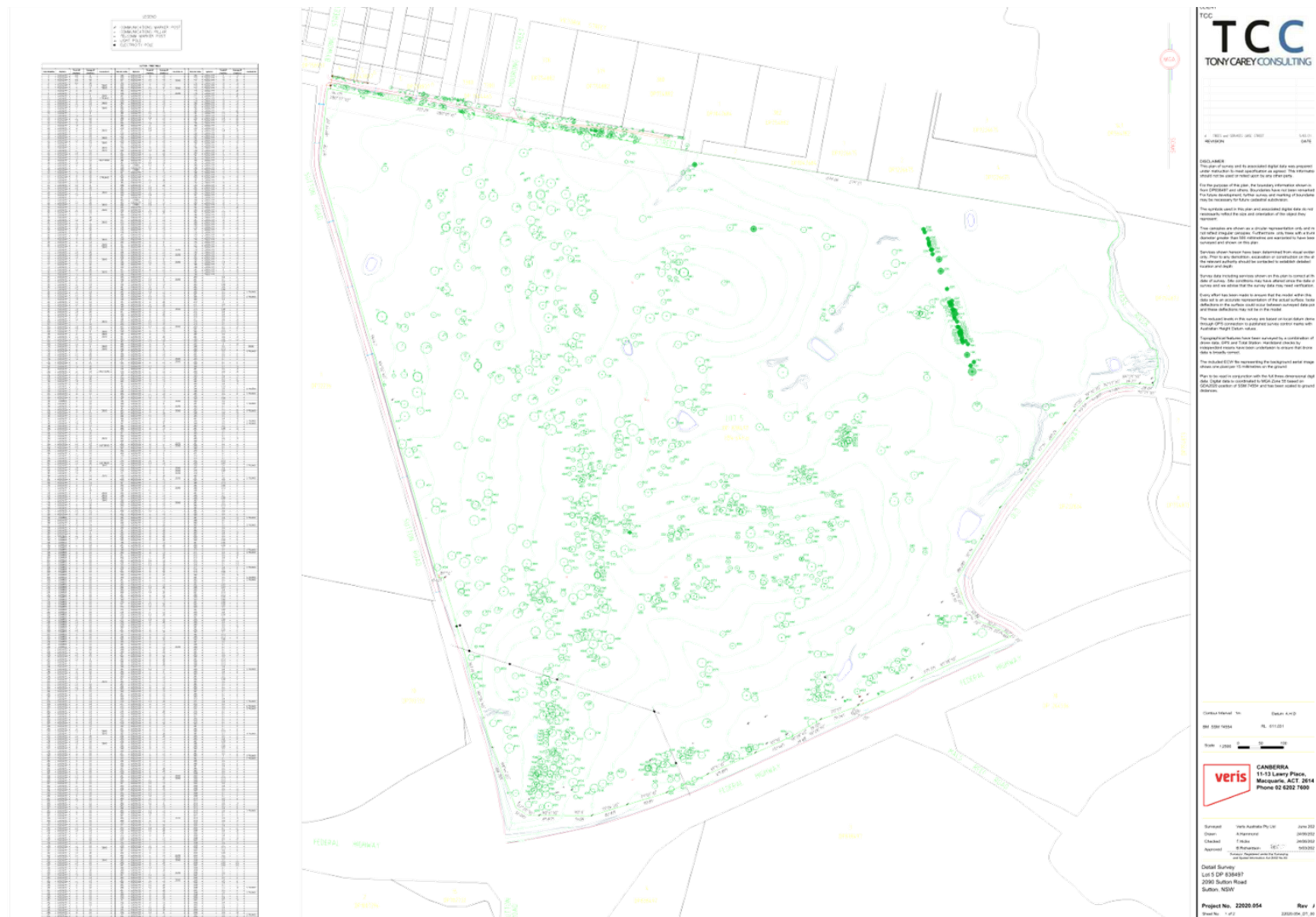
TOWN PLANNING SOLUTIONS

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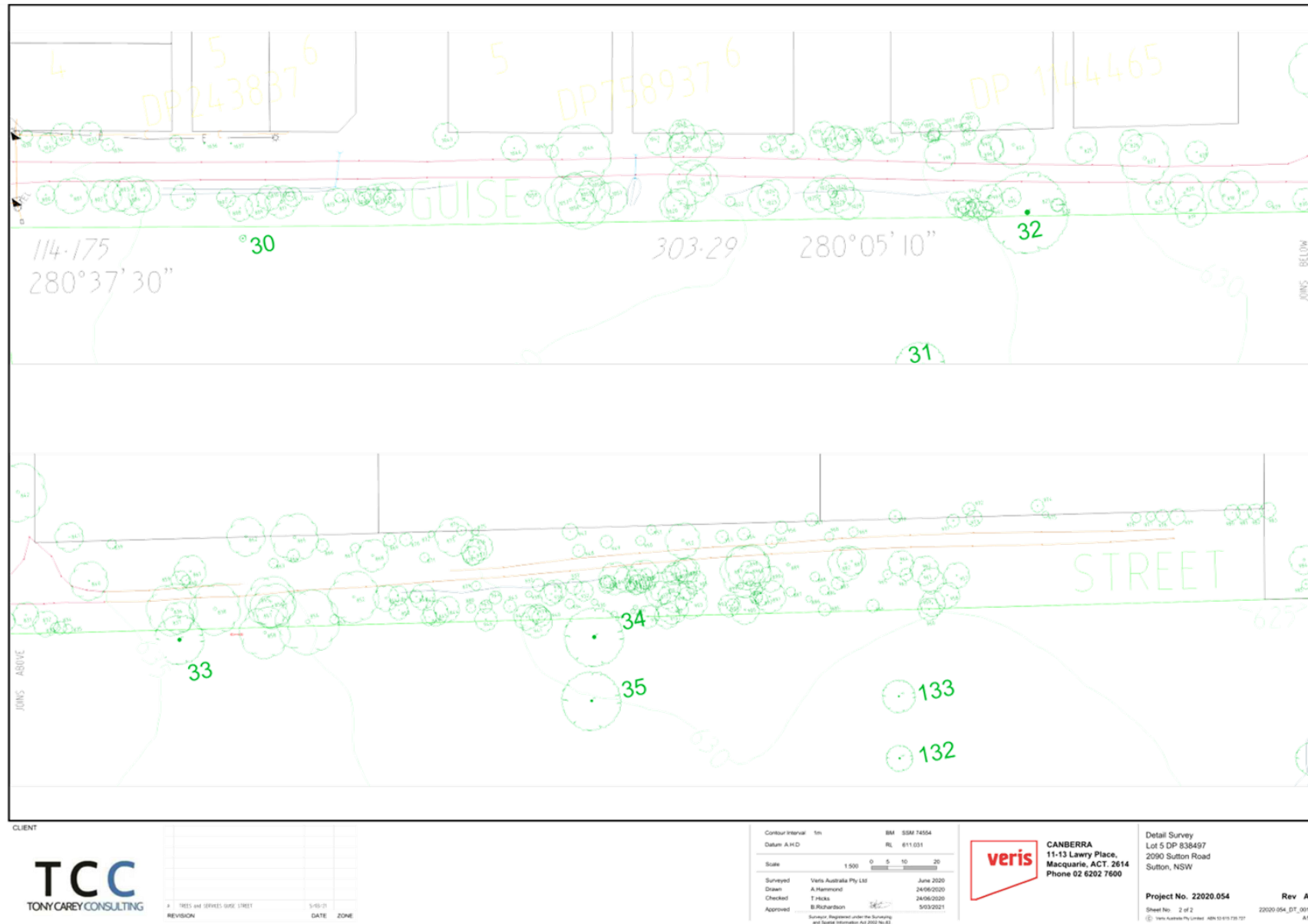
ATTACHMENT 5 – Guise Street Survey Results

TOWN PLANNING SOLUTIONS

6.1 Development Application No DA200273 - 66 Lot Community Title Subdivision - 2090 Sutton Road, Sutton
Attachment F Applicant's response to submissions



6.1 Development Application No DA200273 - 66 Lot Community Title Subdivision - 2090 Sutton Road, Sutton
Attachment F Applicant's response to submissions





DEPARTMENT OF PLANNING & ENVIRONMENT

Biodiversity certification of land (non-strategic applications):

Recommendation Report for the delegate of
Minister for Environment and Heritage, for
conferring or refusing to confer biodiversity
certification of land under Part 8 of the
Biodiversity Conservation Act 2016

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Executive Summary

The Estate of the Late W.A. Cartwright (the Proponent) is undertaking the necessary approvals for the proposed Woodbury Ridge Estate subdivision, near Sutton NSW, approximately 15 kilometres north of Canberra. On 2 November 2022, the Biodiversity and Conservation Division (BCD) South East Planning team received an application for biodiversity certification to address the biodiversity impacts of the proposed development.

Standard biodiversity certification has been selected by the Proponent as the assessment pathway to address impacts to biodiversity and assessment under the *Biodiversity Conservation Act 2016* (BC Act). Biodiversity certification has been selected as it provides better opportunities to achieve biodiversity and development outcomes by ensuring biodiversity outcomes are a primary focus, while removing the need for numerous, site by site development applications. Biodiversity certification is also required as the proposal is impacting two serious and irreversible impact entities which may result in an automatic instant refusal when assessing development applications under the typical 'Part 4 pathway' under Part of 4 the *Environmental Planning and Assessment Act 1979* (EP&A Act). The Biodiversity Certification Assessment Report (BCAR) finds that the development will have a technical serious and irreversible impact on Golden Sun Moth; however, the impacts are considered acceptable as outlined in this Recommendation Report.

The proposed subdivision would provide for 62 lots of varying sizes from 0.5 to 1.5 hectares, and an additional four (4) lots within proposed biodiversity stewardship sites (for an overall total of 66 residential lots) inclusive of all impacts for related infrastructure. A total of 54.49 hectares of land would be certified for development, representing approximately 29% of the assessment area. Approximately 130 hectares (approximately 70%) of the remaining land will be considered Avoided Land except for approximately 1.7 hectares of land that will be retained in the Guise Street road corridor. The overall balance of Certified Land compared to Avoided Land is consistent with the avoid and minimise hierarchy, with residual impacts to be offset, as outlined in the BC Act and the Biodiversity Assessment Method (BAM).

BCD has recommended that the proposal is suitable for biodiversity certification under section 8.2 of the *Biodiversity Conservation Act 2016*.

1. Purpose of document

This Recommendation Report provides a recommendation to the decision-maker, as delegate to the Minister for the Environment and Heritage, on whether to confer biodiversity certification under section 8.2 of the BC Act. It documents the Department's review of the application against the requirements of the BC Act and the BAM.

The Minister's power to confer or refuse to confer biodiversity certification for non-strategic applications under Part 8 of the BC Act has been delegated to band 2 and 3 Senior Executives of the Department.

Name of recommending officer:	Nat O'Rourke, Senior Conservation Planning Officer, Biodiversity and Conservation Division, South East Planning, Department of Planning and Environment
Name of decision-maker	Dean Knudson, Deputy Secretary Biodiversity Conservation and Science, Department of Planning and Environment, as delegate to the Minister for Environment and Heritage
CM9 container and record numbers:	Container: SF22/33526 This recommendation report: DOC22/49800-4
Name of applicant/s:	Robyn Janette Holden; Peter Wayne Cartwright; William Paul Cartwright; As joint executors of the Estate of the late W.A. Cartwright
Date application received:	2 November 2021
Dates of public notification under section 8.6(3):	14 June 2021 to 26 July 2021

2. Documents before the decision-maker

2.1 Documents attached to this report

Tab	Document
1	Completed application form
2	Biodiversity Certification Assessment Report

3. Overview of application

3.1 Background

The Woodbury Ridge Biodiversity Certification Assessment Area covers approximately 187 hectares of land adjacent to the village of Sutton, approximately 15 kilometres north-east of the Canberra CBD. The site is bounded by the village of Sutton to its north, the Federal Highway to the south, the Yass River to the east and Sutton Road along its western edge. The site is a roughly rectangular piece of land that has been owned by the Cartwright family for 150 years. The site has undergone various forms of agriculture over the years and this is reflected in the vegetation that remains on the site. The family have managed the property sustainably and this management has retained large areas of high-quality woodland and open grassland which support a variety of threatened species.

The Proponent seeks to develop the site in a way that maintains the biodiversity values on-site while still allowing development in the areas with lower quality vegetation. The development proposed has been designed to limit the development footprint whilst providing a variety of lot sizes, however the overall aim is for the development to protect and enhance the high conservation value ecosystems that occur on the site.

History of proposal

Since 2017, the BCD have been engaged in discussions for the proposed development when representatives from the Woodbury Ridge project team, Yass Valley Council and BCD met on-site for a discussion around desired outcomes, biodiversity values, design measures, approval paths and other issues. The Woodbury Ridge team including the Cartwright family expressed the desire to develop the site to maintain the biodiversity values on-site and the rural character whilst still providing a level of development on the site.

This early consultation influenced project design, lot yields and assessment requirements. The various designs for development were altered and adjusted to increase the level of protection of the area while still providing a lot yield that would be viable for the Proponent.

Following on from early consultation, in November 2018 a Gateway Determination was issued by the Department of Planning Industry and Environment (DPIE) (now the Department of Planning and Environment; DPE). Between 2018 and 2020, a Planning Proposal for the rezoning of land was prepared and revised. In May 2020, rezoning was approved by the NSW Minister for Planning in preparation for the future subdivision.

Early in the development design phase, biodiversity certification under Part 8 of the BC Act was determined to be the appropriate approval pathway given the nature of the impacts and the proposed biodiversity considerations. In February 2020, a draft biodiversity certification assessment report (BCAR) (version 2) was submitted to BCD and Yass Valley Council for comment. In August 2020, the accredited assessors (Capital Ecology Pty Ltd) who were engaged to prepare the BCAR, met with BCD to discuss the results of the BAM Stage 1 assessment including initial Biodiversity Offset Scheme (BOS) credit estimates.

In March 2021, an updated (version 3) draft BCAR was submitted to BCD and Yass Valley Council. Initial comments prior to the submission of the version 3 of the draft BCAR reiterated the importance of protection mechanisms for avoided vegetation and clarity around the actual impact footprint. BCD provided feedback to the Proponent on the draft BCAR which are summarised below:

- Ensuring all impacts were considered in the BCAR, including road upgrades, access points and driveways along Guise Street.
- Micro siting development further away from three of the five identified Superb Parrot (*Polytelis swainsonii* – listed as vulnerable under the BC Act) nest trees to increase the likelihood of ongoing utilisation and including provisions for ongoing monitoring of these trees; and

- Confirming the avoid, minimise and offset strategy to identify where proposed biodiversity certification agreement or a biodiversity management plan (BMP) would apply.

On 22 September 2021, a new draft BCAR (version 4) was submitted to BCD. Feedback was sought on the roles and responsibilities for future landowners regarding how native vegetation, and particularly overstorey vegetation, within the Avoided Land would be protected and managed to demonstrate the ongoing avoidance of impacts. These details were added in a final version of the BCAR.

On 2 November 2021, the BCAR was finalised and submitted to DPE along with the completed formal application form. This BCAR was prepared under the BAM 2017 and was finalised and submitted prior to the cut-off date for BAM 2020. The finalised BCAR included updated information regarding protection mechanisms for land avoided for biodiversity reasons.

Summary of proposal

The application for Biodiversity Certification was made by Capital Ecology (the Accredited Assessors) on behalf of the Proponent. The biodiversity certification assessment area covers approximately 187.04 hectares and proposes the following:

- Certification of 54.49 hectares of land for development as identified in the proposed subdivision layout that is considered the maximum direct impact.
- Within the proposed 54.49 hectares of Certified Land, the subdivision of land to provide 19 lots zoned RU5 Village with minimum lot sizes of 5000 m² and 43 lots zoned R5 Large Lot Residential with average lot sizes of 1.5 hectares, communal parkland space with recreational facilities (including a barbeque area, seating and shading), and open space along Yass River.
- In perpetuity protection of approximately 97.23 hectares of Avoided Land through the establishment of four (4) biodiversity stewardship agreement sites.
- Retention of vegetation and biodiversity values within large lot areas covering an area of approximately 33.58 hectares to be protected under a Biodiversity Certification Agreement and managed in accordance with a BMP prepared to the satisfaction of BCD; and
- Retention of 1.73 hectares of land in the Guise Street road corridor. This land is not proposed for certification or ongoing management as it will remain a road reserve under Council management.

Two Plant Community Types (PCTs) and multiple threatened entities were identified during the BCAR assessment. The PCTs, threatened entities and their totals impacts are:

- 2.57 hectares of PCT 1093 Red Stringybark – Brittle Gum – Inland Scribbly Gum dry open forest of the tablelands, South Eastern Highlands Bioregion (PCT 1093 Red Stringybark – Brittle Gum – Inland Scribbly Gum forest) across two mapped vegetation zones generating **37** ecosystem credits.
- 50.85 hectares of PCT 1330 Yellow Box – Blakely's Red Gum grassy woodland on the tablelands, South Eastern Highlands Bioregion (PCT 1330 Yellow Box – Blakely's Red Gum grassy woodland) across seven mapped vegetation zones generating **98** ecosystem credits.
 - Six of the seven mapped vegetation zones of PCT 1330 Yellow Box – Blakely's Red Gum grassy woodland were determined to meet the criteria for the BC Act listed critically endangered ecological community (CEEC) and Serious and Irreversible Impact entity White Box – Yellow Box – Blakely's Red Gum Woodland (Box-gum Woodland) accounting for a total impact of 20.01 hectares of Box-gum Woodland.

- 6.53 hectares of Superb Parrot breeding habitat generating **87** species credits.
- 37.45 hectares of Golden Sun Moth (*Synemon plana* – listed as endangered under the BC Act) habitat generating **419** species credits.
- 0.86 hectares of Silky Swainson-pea (*Swainsona sericea* – listed as vulnerable under the BC Act) habitat generating **12** species credits: and
- Habitat for three confirmed threatened woodland bird species: Dusky Woodswallow (*Artamus cyanopterus cyanopterus*), Varied Sittella (*Dapoenositta chrysoptera*) and White-fronted Chat (*Epthianura albifrons*) all listed as vulnerable under the BC Act and foraging habitat for the Large Bent-winged Bat (*Miniopterus orianae oceanensis* – listed as vulnerable under the BC Act) accounted for in the ecosystem credits allocated to the above mentioned PCTs.

Reasons for certification application

Woodbury Ridge Estate is to be developed as a Community Scheme pursuant to the *Community Land Development Act 1989*. This mode of tenure provides opportunities to apply specific by-laws to the subdivided land, which in this development are designed to offer in-perpetuity protections to biodiversity values proposed to be retained on-site. Examples of limitations on the development to protect biodiversity values include the provision of strict building and effluent management zone footprints, and requirements to manage land in accordance with a BMP to be prepared as part of the biodiversity certification agreement. To ensure the future viability of the community scheme, Biodiversity Certification is the selected regulatory pathway for this proposal as it provides certainty for the future of the development within the Certified Land while also securing acceptable biodiversity outcomes across the assessment area.

The assessment of the proposed subdivision must also consider impacts to two serious and irreversible impact entities, the Box-gum Woodland and the Golden Sun Moth. An application for Biodiversity Certification provides greater scope for additional considerations compared to a typical "Part 4" assessment, which must refuse a proposal that would have a serious and irreversible impact. When deciding to confer (or not confer) biodiversity certification under the BC Act, section 8.8(2)(a) provides that the Minister "is required to take those impacts into consideration when determining the application for biodiversity certification". This additional consideration can look at a much broader proposal including the nature and scale of the impact, avoidance measures and overall offsetting strategy. Impacts to the two serious and irreversible impact entities are discussed in detail in this Report.

Current land use

The assessment area is wholly owned by the Proponent. The assessment area is modified from its pre-European state by its current and past land use, which has included cropping, pasture improvement and grazing. Since the rezoning in 2020, the assessment area is a combination of RU5 Village, R5 Large Lot Residential and E3 Environmental Management.

Proposed land use

The proposed land use is for the subdivision of land for residential purposes, including the provision of recreational facilities, community areas, roads, electrical and telecommunication infrastructure, and areas managed for their biodiversity values. Each individual lot will have a designated development footprint, and designated effluent management zone that will define the maximum permitted extent of clearing within each block.

A large portion of the assessment area is identified on the *Yass Valley Local Environmental Plan 2013* Natural Resources Biodiversity Map. These areas are reflected in the biodiversity mapping undertaken.

Sutton is identified in the *South East and Tablelands Regional Plan 2036*. The Plan notes that Sutton is expected to accommodate some of the growth expected in the Yass Valley LGA over the next 20 years, however it is expected to largely maintain its village character.

Given the nature and scale of the proposed development, the proposed development is consistent with the *South East and Tablelands Regional Plan 2036*.

3.2 The biodiversity certification assessment area

The biodiversity certification assessment area is shown on Figure 1 of this Recommendation Report. A summary of the future land use is included in Table 1.

Table 1: Proposed land use

Land use	Area (ha)	Native vegetation extent (ha)
Land proposed for biodiversity certification (Certified Land)	54.49	23.11
Land within certification assessment area that is avoided for biodiversity reasons (Avoided Land)	130.82	123.12
Land within the BCAA that is not proposed for certification or being retained specifically for biodiversity reasons (Retained Land)	1.73	1.12
Total Biodiversity Certification Assessment Area (BCAA)	187.04	147.35

3.2.1 Maps

A series of maps have been included in the section below to provide a visual reference to the distribution of biodiversity values across the assessment area. Each impacted threatened entity is included in a map. These maps have been presented as a standalone section to provide an initial visual reference for the rest of the report. All maps in this Recommendation Report have been created using data supplied by the authors of the BCAR. Aerial imagery used in all maps was captured in 2013.

Figure 1 shows the proposed land uses based on the proposed Woodbury Ridge Estate development.

Figure 3 is an aerial image from 2013 with the impact area (Certified Land) overlaid. The intent of this map is to illustrate the scattered nature of the overstorey.

Figure 3 shows the distribution of PCTs and vegetation zones within the assessment area.

Figure 4 shows the distribution of Golden Sun Moth records across the assessment area and the area determined to be Golden Sun Moth habitat.

Figure shows the location of Superb Parrot nest trees and the areas used to calculate impacts for the purpose of offsetting.

Figure shows the location of Silky Swainson-pea habitat and threatened woodland bird records .

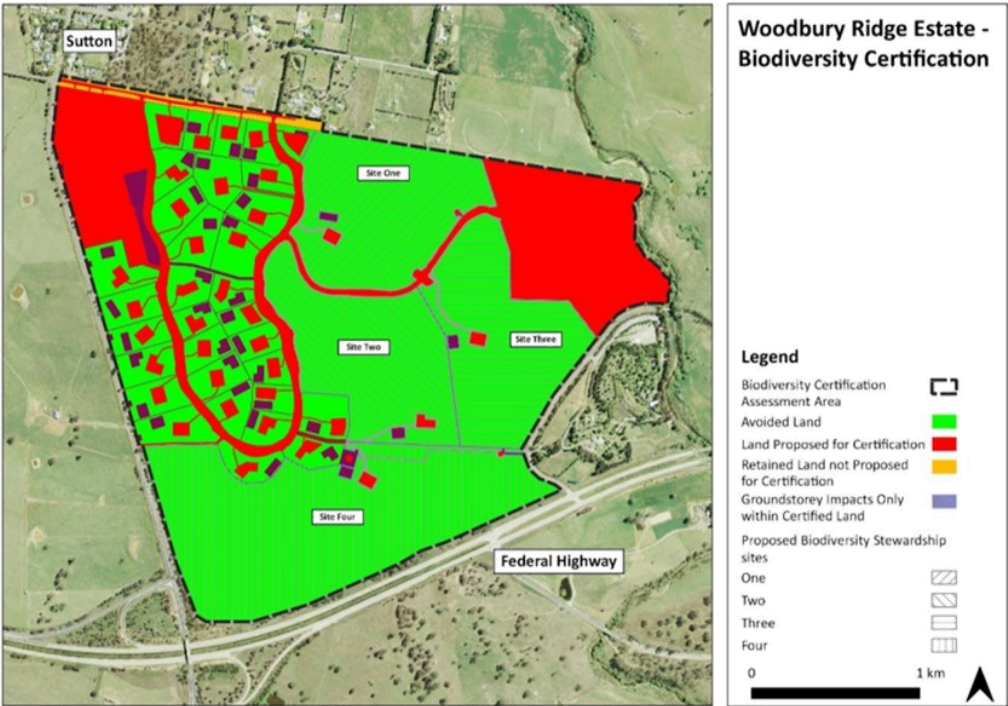


Figure 1: Woodbury Ridge biodiversity certification proposed land uses

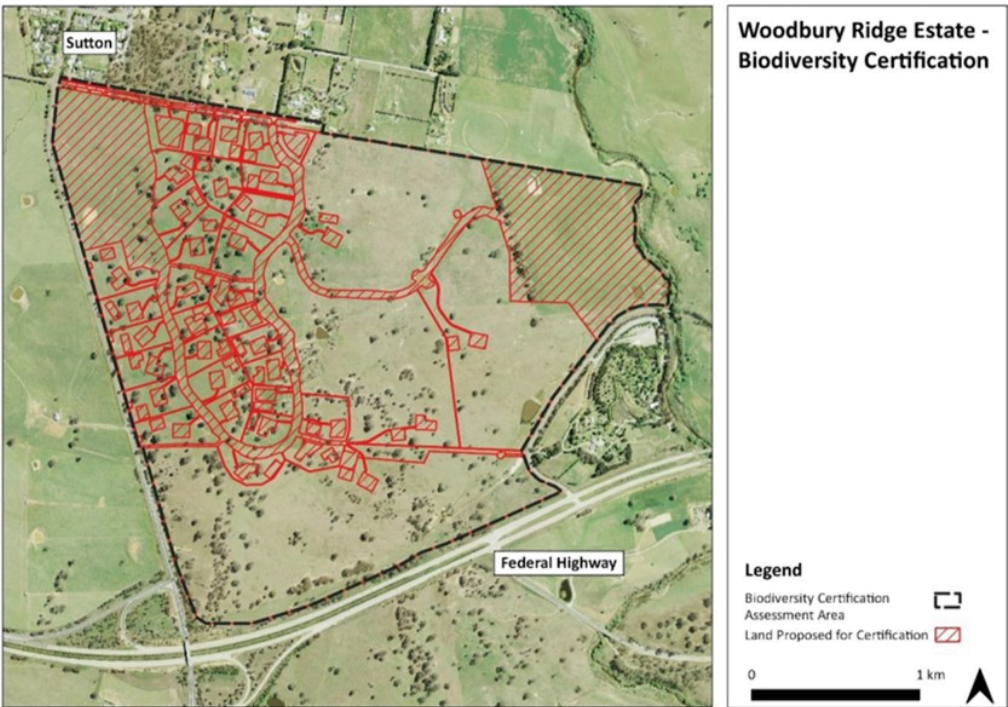


Figure 2: Aerial imagery showing the spread of native trees

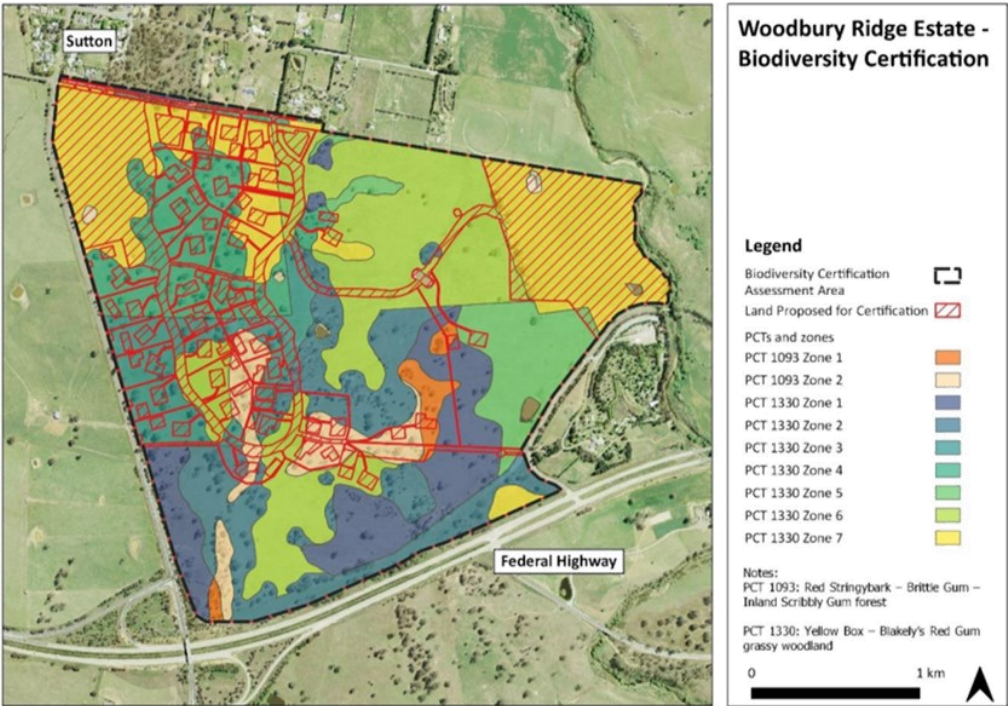


Figure 3: Distribution of PCTs and vegetation condition zones in the assessment area

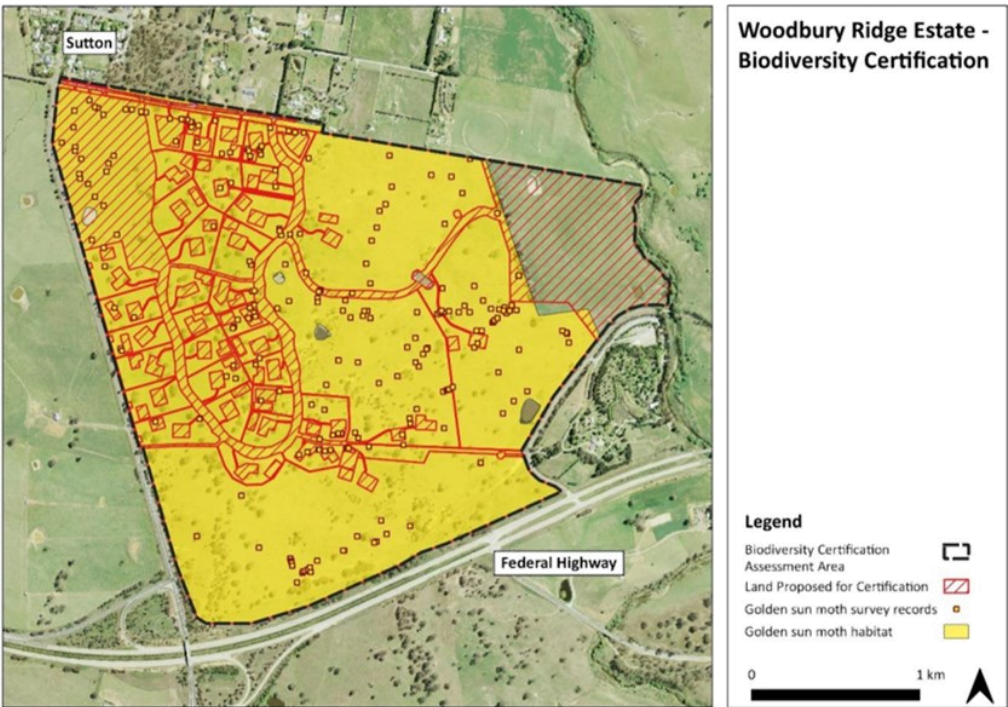


Figure 4: Distribution of Golden Sun Moth records and habitat in the assessment area

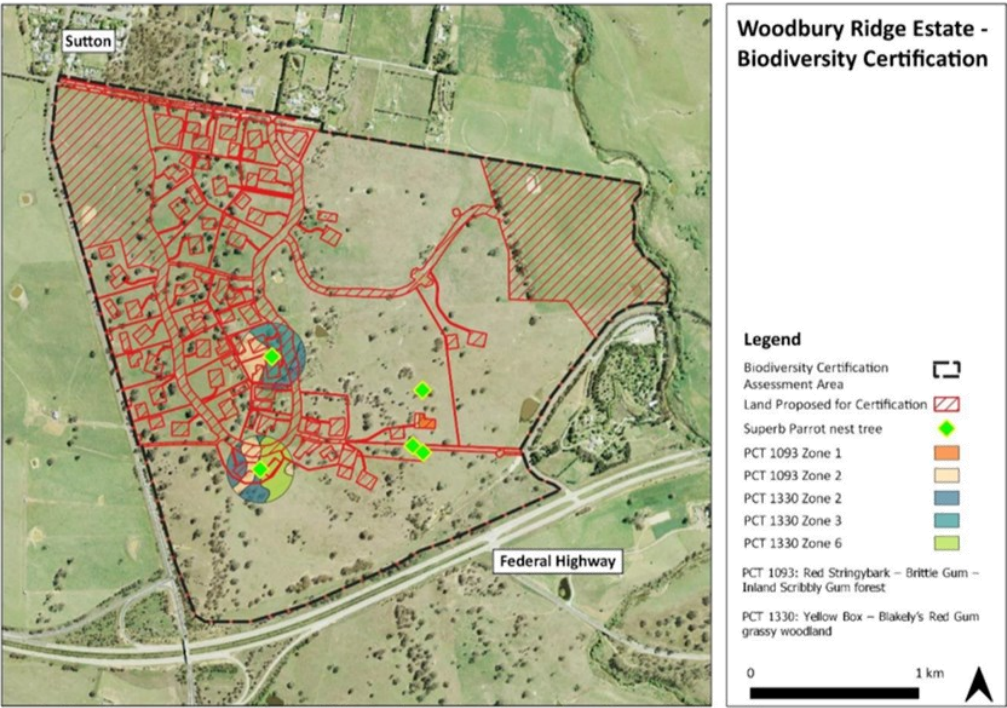


Figure 5: Superb Parrot nest trees and breeding habitat for offset calculation purposes

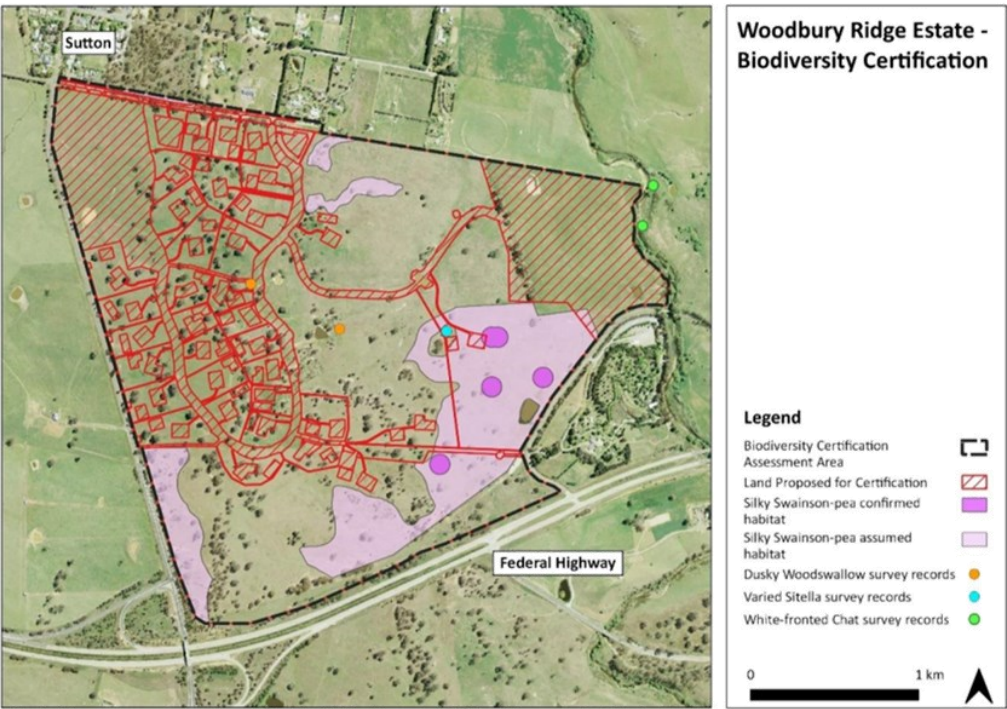


Figure 6: Silky Swainson-pea habitat and threatened woodland bird records

3.3 Land ownership

The landowner is the Estate of the late W.A. Cartwright. The holding comprises entirely of Lot 1 DP1272209 located wholly within the Yass Valley Council local government area (LGA) between the village of Sutton and the Federal Highway, approximately 15 kilometres north of the Canberra CBD.

3.4 Parties to the application

The following person/s or body/s are proposed parties to the application for biodiversity certification:

Party Name (ABN/ACN if relevant)	Contact
Robyn Janette Holden; Peter Wayne Cartwright; William Paul Cartwright; As joint executors of the Estate of the late W.A. Cartwright	Primary: Peter Cartwright (current landowner) 0409 049 500 Alternate: Tony Carey (Toney Carey Consulting – Town Planner) 0455 231 057

3.5 Biodiversity certification agreement

Section 8.16, BC Act - Biodiversity certification agreements

(1) The Minister may enter into an agreement (a biodiversity certification agreement) with a person in connection with biodiversity certification (including a proposal to confer, modify or extend biodiversity certification).

The following biodiversity certification agreement is proposed in connection with the biodiversity certification application.

Party	Land (where relevant)	Purpose
Robyn Janette Holden; Peter Wayne Cartwright; William Paul Cartwright; As joint executors of the Estate of the late W.A. Cartwright	The area shown in Figure 1 within Lot 1 DP1272209.	A single Biodiversity Certification Agreement will apply to all Avoided Land and land where there are groundstorey impacts only, as indicated in Figure 1. The purpose of the Biodiversity Certification Agreement is to ensure that areas of high biodiversity values within the Avoided Land, (inclusive of areas identified for groundstorey impacts only) have a level of protection and management requirements.

4. Description of proposal

4.1 Measures to avoid or minimise impacts

Introduction

In order to address impacts to biodiversity, a key intent of the design of the proposed subdivision has been:

- a. for direct impacts to occur in areas with lower quality vegetation zones, and
- b. For higher quality vegetation zones to be secured as Avoided Land that will be protected under a variety of in-perpetuity protection mechanisms.

In considering the overall balance between impacts and avoidance, it is apparent that the balance is weighted towards the retention of biodiversity values. This balance is discussed in more detail throughout this Recommendation Report.

Overview of biodiversity values to be retained

A numeric summary of the PCTs and threatened species habitat impacted in the Certified Land and retained in the Avoided Land is shown in Table 2.

Table 2: Summary of biodiversity values impacted and retained

Biodiversity value / PCT		Biodiversity certification assessment area	Certified Land	Avoided Land	Retained land	BC Act Box-gum Woodland	SAIL entity
Vegetation (hectares)							
PCT 1093 Red Stringybark – Brittle Gum – Inland Scribbly Gum	Zone 1	2.9	0.25	2.65	0	-	No
	Zone 2	8.74	2.32	6.42	0	-	No
PCT 1330 Yellow Box – Blakely's Red Gum grassy woodland	Zone 1	19.58	0.28	19.02	0.28	Yes	Yes
	Zone 2	25.93	0.96	24.97	0	Yes	Yes
	Zone 3	14.28	4.76	9.52	0	Yes	Yes
	Zone 4	20.95	7.05	13.17	0.73	Yes	Yes
	Zone 5	11.88	0.58	11.3	0	Yes	Yes
	Zone 6	41.87	6.38	35.49	0	Yes	Yes
	Zone 7	39.19	30.84	7.76	0.59	No	No

Hollows						
Hollow-bearing trees (count)	168	22	143	3	-	
Threatened species habitat (hectares)						
Superb Parrot	13.05	6.53	6.52	0	-	No
Silky-Swainson pea	1.24	0.86	1.22	0	-	No
Golden Sun Moth	168.99	37.45	129.94	1.6	-	Yes

Notes:

1. The total for all vegetation zones does not equal the total value for the biodiversity certification assessment area as farm dams and bare dirt access tracks were not included in the PCT mapped areas.
2. Superb Parrot Breeding habitat is calculated by placing a 100-meter buffer around mapped nest trees (five mapped trees in total across the entire biodiversity certification assessment area – see Figure) and, in the case of the two trees on the western edge of the proposed development, taking this entire area to constitute the impact for credit obligation generation offsetting purposes given the nest trees are considered a loss despite no proposal to physically remove them. In the case of the three nest trees located within the Avoided Land, only the areas within the 100 meter buffer that are being cleared were used to calculate the offset. This was a negotiated impact calculation between the BCD and the Proponent following the relocation of impacts to attempt to locate development further from the trees during the draft BCAR review process. No Superb Parrot Nest trees will be physically removed, though breeding habitat is considered to be impacted as the trees are likely to become less attractive to Superb Parrots as nesting options.
3. Land proposed for certification (impact) includes all areas within the Certified Land noting that there are areas where only impacts to the groundstorey will be permitted and overstorey trees must be retained as reported in the BCAR. For the purposes of discussing clearing impacts, these areas are simply referred to as impacted despite the retention of overstorey vegetation.

Land that is avoided for biodiversity reasons – all Avoided Land

The proposed development has been designed to avoid direct impacts to 130.82 hectares of the 187.04-hectare assessment area. Of this 130.82 hectares of Avoided Land, a total of 123.12 hectares is considered native vegetation as reported in the BCAR. For the purposes of discussing Avoided Land, the land that will be retained in the Guise Street road corridor is not being counted as Avoided Land or land protected for biodiversity reasons as it is not being avoided for biodiversity reasons and will be retained as a council managed road corridor.

The Avoided Land area can be further divided into land to be retained within large lots and protected under a proposed Community Management Statement, and a Section 88E instrument managed in accordance with a BMP, and land that the Proponent proposes to place into one of four biodiversity stewardship sites via agreements with the BCT (on behalf of the Minister for Environment and Heritage) (see Figure for all Avoided Land and how the Proponent proposes to divide this land).

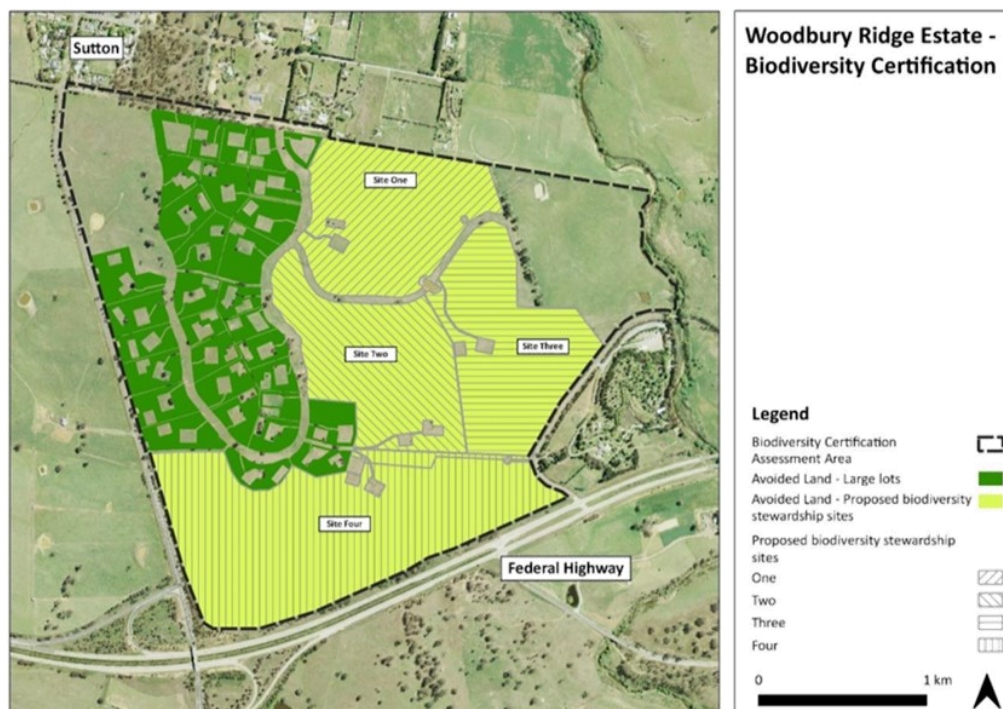


Figure 7: Woodbury Ridge all Avoided Land including showing the split between Avoided Land within large lots and Avoided Land where biodiversity stewardship sites are proposed

The land where the Proponent is proposing to establish biodiversity stewardship sites is designated as Avoided Land. Avoided Land is land in which impacts are avoided for biodiversity reasons, specifically to demonstrate the avoidance and minimisation of impacts per the framework established under the BC Act and the BAM. Avoided Land is not considered an offset as it is not being managed for biodiversity gain, nor does it generate credits (as a mechanism for offset in NSW). This is an important distinction as biodiversity stewardship sites cannot be established on land already under a legal obligation to carry out biodiversity conservation measures such as being set aside for biodiversity offset purposes (under s 5.1(1) of the *Biodiversity Conservation Regulation 2017* (BC Regulation))

The Avoided Land where the Proponent proposes to establish biodiversity stewardship sites, is not subject to any existing legal biodiversity offset obligations (as confirmed in the Biodiversity Certification Agreement), until such time as a biodiversity stewardship agreement is established and credits are formally generated. Any management of this land prior to the establishment of a biodiversity stewardship agreement (by way of the biodiversity certification agreement and BMP) is for the purposes of maintaining the land while biodiversity stewardship agreement applications are submitted and assessed parallel to the biodiversity certification assessment process.

Avoided Land – proposed biodiversity stewardship sites

The BCAR states, that as part of their overall development intentions, the Proponent will make applications for four individual biodiversity stewardship sites totalling 97.24 hectares. BCD has no role in the biodiversity stewardship site application or assessment process, with this process being undertaken between the Proponent and the BCT. Following their assessment, the BCT makes a recommendation to the Minister for Environment and Heritage to enter (or not enter) into the Biodiversity Stewardship Agreements.

The proposed biodiversity stewardship sites will seek to retain the following mapped biodiversity values:

- 88.20 hectares of Box-gum Woodland.
- 96.36 hectares of Golden Sun Moth habitat.
- 3 Superb Parrot nest trees,
- 6.08 hectares of moderate to high condition PCT 1093 Red Stringybark – Brittle Gum – Inland Scribbly Gum forest.
- All reported Silky Swainson-pea records and nearly all mapped habitat; and
- Habitat for a variety of threatened woodland birds as identified during surveys for the BCAR.

Should the Minister for Environment and Heritage agree to enter into Biodiversity Stewardship Agreements over the four parcels of land, the land would be covered by formal and legally binding in-perpetuity biodiversity stewardship agreements which would prevail to the extent of any inconsistency with the Biodiversity Certification Agreement until such time as the Biodiversity Certification Agreement is updated to remove references to this land.

The BMP will be expected to address the short-term management of the Avoided Land including areas where the Proponent proposes to establish biodiversity stewardship sites.

Avoided Land in large lots to be managed under a biodiversity management plan

A total of 33.58 hectares of land will be retained and protected within large lots under a variety of mechanisms discussed below (see Figure excluding areas covered by the proposed biodiversity stewardship agreements). Of this 33.58 hectares of land, 28.26 hectares is considered native vegetation. The retained vegetation will include the following biodiversity values:

- Approximately 25.3 hectares of Box-gum Woodland.
- 33.58 hectares of Golden Sun Moth habitat.
- 2.98 hectares of moderate to high condition PCT 1093 Red Stringybark – Brittle Gum – Inland Scribbly Gum forest; and
- Habitat for a variety of threatened woodland birds as identified during surveys for the BCAR.

Two Superb Parrot nest trees will be retained in this land, relatively close to proposed building envelopes. Due to their proximity to the development footprint, they are considered impacted for the purpose of assessing impacts to biodiversity values as they are likely to become less attractive to Superb Parrots as nest tree options. They are located outside of the Certified Land and as such will not be permitted to be removed. These trees are located within land that will be managed in accordance with the proposed BMP.

The Avoided Land within large lots will be protected through multiple mechanisms including a positive covenant on individual lots via a mechanism under Section 88E of the *Conveyancing Act 1919* (Conveyancing Act) and by-laws that will be written as part of the proposed Woodbury Ridge Community Management Statement. A Woodbury Ridge Community Association will also be formed. The intent is that Avoided Land within large lots will be managed in accordance with a BMP that will provide the overarching strategy that will guide owners and the management of Avoided Land within large lots and that the Woodbury Ridge Community Association will have role in communicating and facilitating the delivery of parts of the BMP. The requirement for the Section 88E mechanism and Community Management Statement have been included in the Order for Biodiversity Certification as “other approved conservation measures” due to the protection they will provide to serious and irreversible impact entities.

As stated in the Biodiversity Certification Agreement, the BMP will be prepared to the satisfaction of BCD. The requirement for, and implementation of, the BMP will be a key feature of the biodiversity certification agreement. The main principals required to be addressed by the BMP are included in the biodiversity certification agreement, with the finer details to be negotiated during the BMP preparation and review phase. The BMP will be prepared by the Accredited Assessors (who prepared the BCAR) to the satisfaction of BCD. The implementation of the BMP will then be the responsibility of individual lot owners, though the Proponent will have a site management role during construction, that will include compliance with the BMP. The Woodbury Ridge Community Association will provide ongoing education regarding the implementation of the BMP though ultimately the delivery of the BMP will be the responsibility of individual lot owners. Explicit management actions and strategies will be documented in further detail in the BMP and are expected to include as a minimum:

- Mandatory measures regarding targeted weed control, feral animal control, grazing control, biomass control and protection of existing native vegetation and threatened species habitat.
- mandatory restrictions on the types and locations or plants that can be planted, and animals kept; and
- optional measures and guidance regarding rehabilitation and enhancement of native vegetation.

Under section 8.18 of the BC Act, the Minister may order a party to rectify contravention of a biodiversity certification agreement. As such, BCD will have a compliance role on all Avoided Land (noting this role would cease on any areas subject to a future biodiversity stewardship agreement). Of particular focus will be the retention of mature native trees and general groundstorey condition. A loss of biodiversity values due to a failure to comply with the BMP would be considered a breach of the biodiversity certification agreement, with the Minister able to order a party to carry out specific actions to rectify contravention of the Agreement and if that order is not complied with, may enter the land to carry out the work and seek costs for doing so.

Mitigation measures

The BMP is proposed as a mitigation measure to limit the biodiversity impacts on Avoided Land. As outlined in the biodiversity certification agreement, the BMP will be prepared by suitably qualified ecologists and will need approval from BCD prior to its implementation. Provisions regarding the timing of delivery for a draft BMP and approval timeframes for BCD are included in the proposed biodiversity certification agreement. The document will provide the overarching strategy to maintain biodiversity values across the Avoided Land, and areas designated as groundstorey impacts only.

At the time of preparing this recommendation report, the BMP has not been drafted. A high-level list of mandatory measures that would need to be included in a BMP is outlined in the BCAR. BCD is confident that the proposed mandatory measures will provide a sufficient framework for the preparation of a suitable BMP.

The BMP is not expected to place an onerous management burden on future lot owners. It is expected that, based on the mandatory measures included in the BCAR, the majority of management requirements will mostly concern prohibited activities. For example, this would include restrictions on the types of animals permitted in the lots, restrictions on the removal of vegetation and other non-permitted land uses. Some biomass control will be required, likely to be in the form of mowing. The BMP will also include a section on non-mandatory measures that would guide landholders if they wanted to improve biodiversity values consistent with the habitat and PCTs already present on site.

The BMP will also include a section listing stakeholders and their roles and responsibilities. This will include ensuring BCD is included as a stakeholder with compliance responsibilities (under section 8.18 of the BC Act) to ensure transparency.

Land retained not incorporated into Avoided Land for biodiversity reasons

A small patch of land, approximately 1.73 hectares will be retained along the Guise Street corridor. Impacts will occur in this land to establish driveway access points, communication infrastructure and internal access roads to the greater subdivision. These impacts have been considered in the BCAR and the calculation for credit obligations. Retained vegetation within this area is not considered Avoided Land as the road corridor will continue to be managed as council land. As this land is not certified, the BC Act would still apply in relation to future impacts.

Entities at risk of a serious and irreversible impact

Box-gum Woodland

The biodiversity certification assessment area supports approximately 173.6 hectares of PCT 1330 Yellow Box – Blakely's Red Gum grassy woodland. Within this PCT, seven vegetation condition zones were identified.

In the BCAR, the vegetation zones are reported in descending order of condition. Zones 1 through to zone 6 PCT 1330 Yellow Box – Blakely's Red Gum grassy woodland are considered to meet the criteria for the BC Act listed Critically Endangered Ecological Community (CEEC) *White box, Yellow Box Blakely's Red Gum Grassy Woodland and Derived Native Grassland in the NSW North Coast New England Tableland, Nandewar, Brigalow Belt South, South Eastern Highlands, South West Slopes and South Eastern Corner and Riverina Bioregions* (referred to as Box-gum Woodland in this recommendation report) which is listed as a serious and irreversible impact entity. Only Zone 7 from PCT 1330 Yellow Box – Blakely's Red Gum grassy woodland was not considered to meet the determination criteria for Box-gum Woodland as it does not have the requisite canopy and is dominated by a non-native understorey.

The total area Box-gum Woodland in the assessment area is 134.49 hectares. The distribution of Box-gum Woodland across the assessment area, with the impact are overlaid, is shown in Figure .

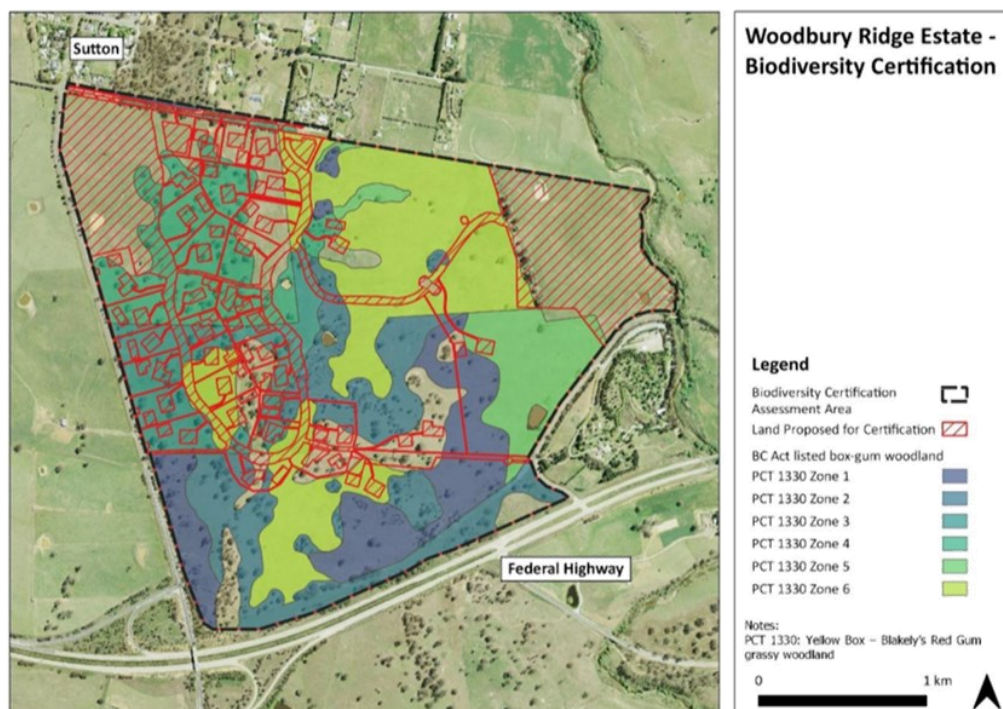


Figure 8: Distribution of Box-gum Woodland in the assessment area

Of the 134.49 hectares of Box-gum Woodland in the assessment area, the total impact to Box-gum Woodland is 20.01 hectares across six vegetation zones. Impacts to Box-gum Woodland per each vegetation zone it occurs in are shown in Figure 99.

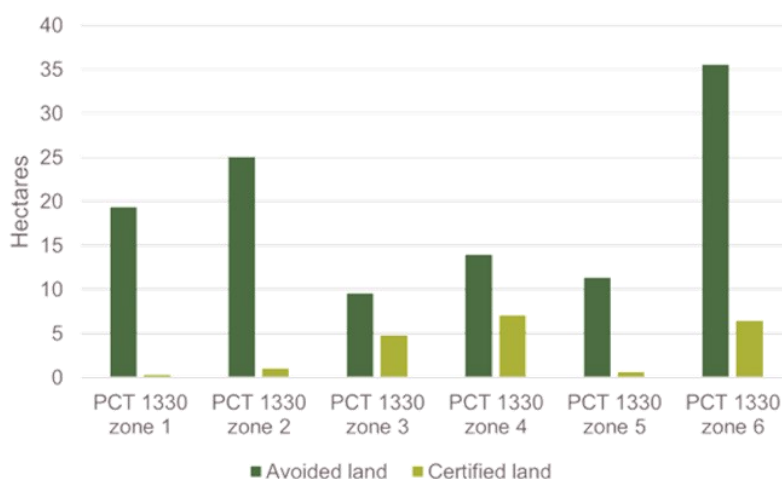


Figure 9: Impacts to Box-gum Woodland per vegetation zone

Zones 1 and 2 of PCT 1330 Yellow Box – Blakely's Red Gum grassy woodland are considered the best condition zones with mature canopies, canopy regeneration (zone 1) and dominant native understoreys with higher native forb diversity compared to other zones.

Zone 3 is described as having a mature canopy, native dominant understorey and low native forb diversity. Zone 4 is characterised by a mature canopy, an exotic dominant understorey and low native forb diversity. Zones 5 and 6 lack the canopy cover of the better conditions zones but have some native understorey and forb diversity. A maximum of 45 remnant trees could be cleared, though it is expected that fewer than 45 will be removed as the development proceeds. This maximum clearing limit has been incorporated into credit obligation calculations. The retained Box-gum Woodland across the Avoided Land would be managed in accordance with the BMP and have additional protection measures implemented as discussed in this report and stated in the biodiversity certification agreement.

Golden Sun Moth

A total of approximately 168.9 hectares of Golden Sun Moth habitat was identified within the assessment area. During surveys, a total of 247 Golden Sun Moth were recorded in low densities across four surveys. Of this, 37.45 hectares will be impacted. The remaining 131.45 hectares will be avoided. This includes 96.35 hectares protected in the proposed biodiversity stewardship sites and 33.58 hectares in the retained vegetation to be managed in accordance with the BMP. The distribution of Golden Sun Moth habitat within the assessment area is shown in Figure 4. Figure 11 is a summary of the impacts to Golden Sun Moth habitat per each vegetation zone it occurs in.

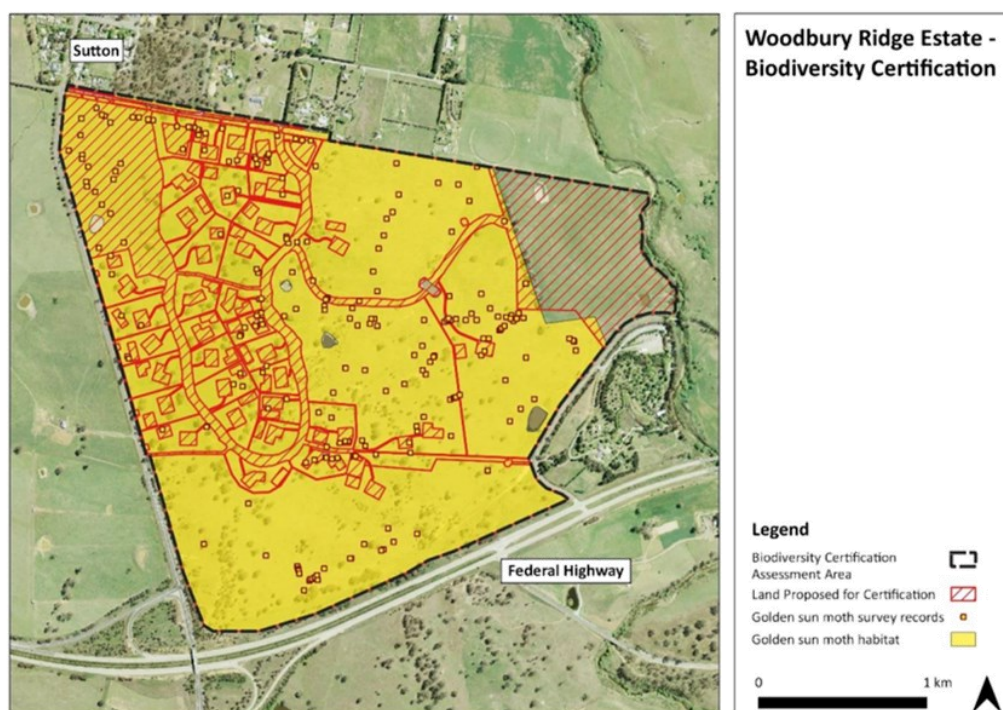


Figure 4: Distribution of Golden Sun Moth habitat within the assessment area (note: this is the same figure as used in Figure 4)

Using PCT condition zones as a proxy for Golden Sun Moth habitat quality, the better-quality vegetation zones, particularly those with intact understoreys, are better represented in the Avoided Land. A comparison of clearing compared to retained habitat by PCT and vegetation condition zone is shown in Figure 5.

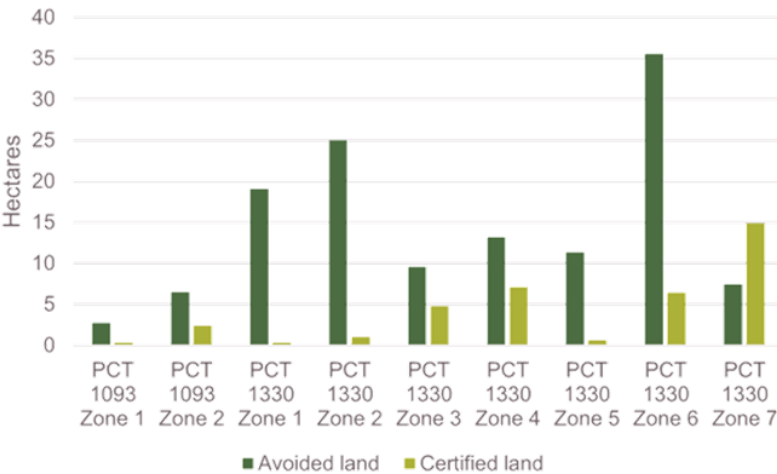


Figure 5: Impacts and avoidance to Golden Sun Moth habitat per vegetation zone

Groundstorey impacts only

Impacts in approximately 8.1 hectares of land will be restricted to the groundstorey only (see Figure 6). The restriction of impacts to the groundstorey is to be achieved by limiting land uses in these areas, mostly for effluent management zones, community open areas and fence lines. Removal of overstorey native trees will not be permitted in these areas. The requirement to restrict impacts to groundstorey in the specified areas is included as a measure in the biodiversity certification agreement. For the purposes of discussing impacts in this recommendation report, the areas of groundstorey impacts are referred to as total clearing impacts.

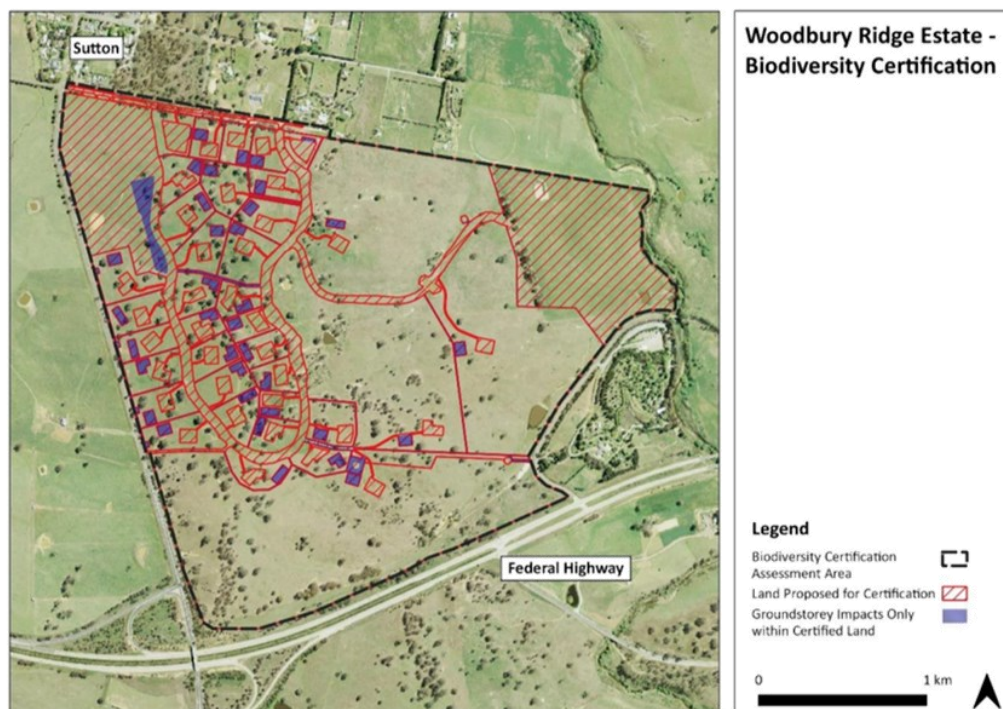


Figure 6: Impacts to groundstorey only (i.e. native trees located within blue areas cannot be removed but the groundstorey is expected to be impacted/cleared)

Avoiding and minimising indirect impacts

Indirect impacts can be divided into impacts that could occur as a result of construction activities, in the relative short term, or possible ongoing non-construction related indirect impacts. Construction related indirect impacts could include weed invasion, erosion and sedimentation and pollution impacts. The BCAR lists the following indirect impacts that could happen as a result of the proposed development:

- Increased sedimentation of receiving waterways;
- increased noise, vibration and dust during construction;
- weed introduction and/or spread during construction and occupation;
- incidental damage or removal of retained native vegetation and habitat during construction and occupation;
- increase in pest animal populations as a result of increased human activity during occupation; and
- edge effects due to increased human activity during occupation.

The proposed development reduces the likelihood of indirect impacts by enacting the following principles to avoid and minimise impacts to native vegetation and habitat.

- Locating the project in areas where the native vegetation or threatened species habitat is in the poorest condition as much as possible to reduce the risk of impacting areas in better condition;
- reducing the overall clearing footprint; and
- making provisions for the demarcation, ecological restoration, rehabilitation, and/or ongoing maintenance of retained native vegetation and habitat as outlined in the biodiversity certification agreement and refined in the BMP and biodiversity stewardship site management regimes.

Additional measures to reduce the likelihood of indirect impacts during construction are proposed to be included in a Construction Environmental Management Plan (CEMP). The CEMP will need to be prepared prior to the commencement of construction activities.

- Control potential sedimentation of receiving waterways during construction;
- control noise, vibration and dust spill during construction;
- control weed introduction and / or spread during construction;
- implement measures to reduce the chance of incidental damage of retained vegetation and habitat;
- control pest animal populations as a result of increased human activity; and
- control edge effects.

The delivery of the BMP is designed to reduce the likelihood of ongoing indirect impacts post-construction. Mandatory measures including weed control, feral animal control and biomass control, as well as restriction on the types of animals that can be kept will address some indirect impacts. Given our approval role before the BMP can be implemented, and the high-level measures outlined in the BCAR, BCD is confident a suitable BMP will be prepared.

Avoiding and minimising prescribed impacts

Prescribed impacts are discussed in section 3.2.3 of the BCAR. The BCAR identified two types of 'prescribed biodiversity impacts' that could occur as a result of the proposed development:

- *Impacts of development on the habitat of threatened species or ecological communities associated with non-native vegetation; and*
- *impacts of development on the connectivity of different areas of habitat of threatened species that facilitates the movement of those species across their range and impacts of development on movement of threatened species that maintains their lifecycle.*

The BCAR states that the direct impact to threatened species habitat has been accounted for, which includes impacts to Golden Sun Moth habitat in areas of poorer quality (i.e. non-native) vegetation and retention of higher quality vegetation zones in avoided areas. The layout of the proposed development, including the location of Avoided Land, is not expected to disrupt connectivity of existing threatened entities. Ongoing prescribed impacts are not anticipated, and all direct impacts are accounted for and offset where required.

Impacts that are uncertain

BCD and Capital Ecology have been in negotiation regarding the nature and extent of indirect impacts to Superb Parrots via development near potential nest trees. While no trees were surveyed for actual nests, trees with suitable sized hollows where Superb Parrot activity was observed in and around hollows were, for the purposes of this assessment, considered nest trees. Recent literature (Stojanovic *et al* 2021¹) suggests that this species is highly selective of nest trees, adding importance to retaining possible nest trees, and certainly trees containing hollows where Superb Parrot activity was observed. During these negotiations BCD requested ongoing monitoring of nest trees. This information is valuable

¹ Stojanovic D, Rayner L, Cobden M, Davey C, Harries S, Heinsohn R, Owes G and Manning AD, 2021. *Suitable nesting sites for specialized cavity dependent wildlife are rare in woodlands*. *Forest Ecology and Management*: **483**, 1-7.

as it provides some insight into the use of suitable trees in near proximity to urban development. This measure has been included in the BCAR and forms part of the biodiversity certification agreement.

Koala SEPP

The assessment area is located within the Yass Valley Council LGA. The *State Environmental Planning Policy (Koala habitat Protection) 2021* (Koala SEPP) applies to this LGA, however there is no approved Koala Plan of Management. Surveys of the study area identified a number of trees listed in Schedule 2 of the Koala SEPP. Despite this, the BCAR concluded that with a lack of recent records and the generally cleared farmland in the vicinity that the site is unlikely to support a koala population. BCD agrees with this conclusion.

Justification for impacts that are not avoided

Of the approximately 188 hectares within the certification assessment area, the development footprint has been restricted to approximately 54.5 hectares, or approximately 30% of the assessment area. When reviewing impacts to PCTs and vegetation zones, most of the impacts are restricted to the lower quality vegetation zones. This is shown in Figure 7 where PCT 1330 Yellow Box – Blakely's Red Gum grassy woodland zone 7 (poorest quality) is the most impacted vegetation zone in terms of hectares of impact, with relatively small impacts in zones 1 and 2 (i.e. the highest condition patches). In addition, large portions of PCT 1330 Yellow Box – Blakely's Red Gum grassy woodland zones 1 and 2 are avoided and would be managed in-perpetuity. These impacts / retained calculations have also been shown in Figure 8 which show the same impacts/avoidance areas but measured as a percentage of their overall occurrence. Both figures demonstrate that impacts are being focused in areas of lower biodiversity value and are a good demonstration of the avoid and minimise impacts hierarchy required in the BC Act and the BAM.

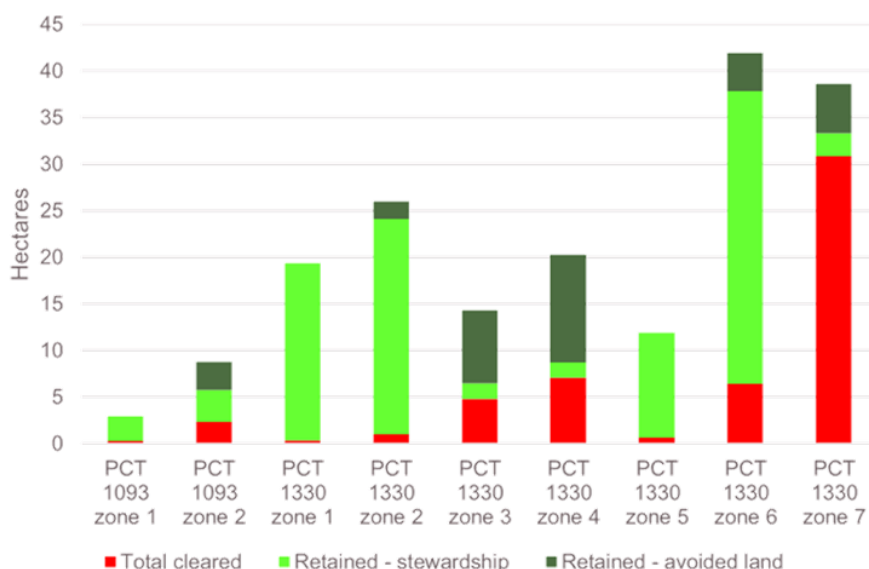


Figure 7: Impacts to PCTs and vegetation zones

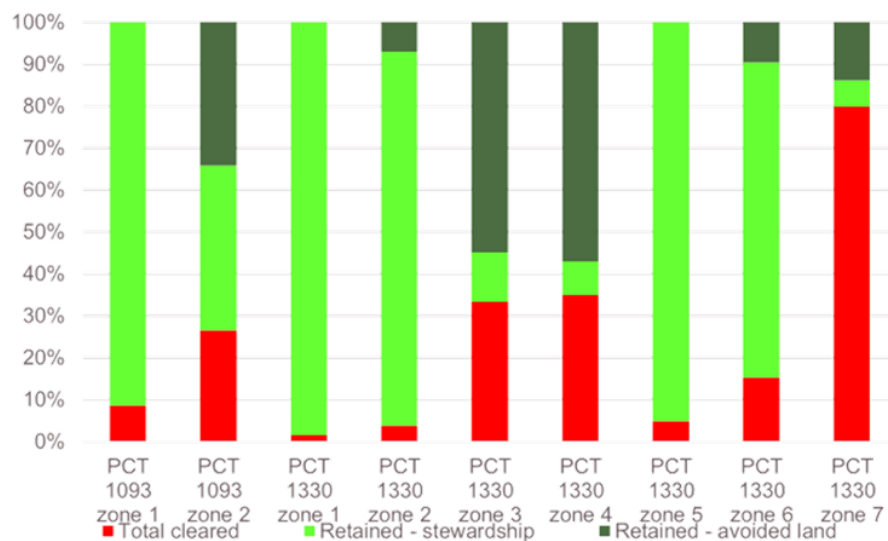


Figure 8: Impacts to PCTs and vegetation zones as a percentage of their total occurrence in the assessment area

4.2 Biodiversity impacts and credit requirements

4.2.1 Impacts on native vegetation and habitat

Ecosystem credit requirements

Ecosystem credits are used to offset the impacts on threatened ecological communities, threatened species habitat for species that can be reliably predicted to occur on the subject land and other plant community types (PCTs). Credits are generated in the BAM Calculator (BAM-C) by entering vegetation composition, structure and function scores to calculate an overall vegetation integrity score for a vegetation zone. A decrease in vegetation integrity through clearing or other impact generates a credit obligation. To offset the residual impacts of the proposed development the Proponent will need to retire:

- **37** Ecosystem Credits for to impacts to PCT 1093 Red Stringybark – Brittle Gum – Inland Scribbly Gum dry open forest and associated ecosystem credit species: and
- **98** Ecosystem Credits for to impacts to PCT 1330 Yellow Box – Blakely's Red Gum grassy woodland and associated ecosystem credit species.

The BC Regulation provides that where a class of biodiversity credits is changed, a requirement to retire those credits may be satisfied by the retirement of credits that would, on advice of the Environment Agency Head, have been described as a credit of the former class prior to the change (see cl 6.11, BC Regulation). The current PCT names are expected to change in this process. Processes will be implemented to ensure PCTs identified under the old classification are transferred to the appropriate new classification without altering credit calculations.

Species credit requirements

Species credits are used to offset the residual impacts on threatened species that cannot be reliably predicted to occur on the land for certification. Presence is determined by important

habitat maps, survey, or an expert report. Where an expert report is used, the Department requires evidence of Departmental approval of expert status.

The following species credits are generated as a result of the proposed development:

- 87 credits for impacts to Superb Parrot breeding habitat.
- 12 credits for impacts to Silky Swainson-pea habitat; and
- 419 credits for impacts to Golden Sun Moth habitat.

4.2.2 Serious and irreversible impacts

The BCAR has undertaken an assessment of potential serious and irreversible impacts for two entities: Box-gum Woodland and Golden Sun Moth. This assessment has been undertaken with the *Guidance to assist a decision-maker to determine a serious and irreversible impact* guidelines. BCD has reviewed the serious and irreversible impact assessments for Box-gum Woodland and Golden Sun Moth provided in the BCAR. Key points of this assessment are summarised below.

Box-gum Woodland

Key points from the serious and irreversible impact assessment for each of the required items as per the guidelines is included below. BCD's review is included below.

- a. *The action and measures taken to avoid the direct and indirect impact on the potential entity*

The area to be certified has been designed to avoid the land within the assessment area that has the highest biodiversity values, while allowing for increased impacts in the areas with the lowest biodiversity values. This design would allow a maximum direct impact 20.01 hectares of Box-gum Woodland within the Certified Land. Approximately 114.4 hectares would be retained within the Avoided Land where in-perpetuity protection measures would apply.

- b. *The area (hectares) and condition of the threatened ecological community (TEC) to be impact directly and indirectly by the proposed development. The condition of the TEC is to be represented by the vegetation integrity score for each vegetation zone.*

The BCAR has been prepared consistent with the BAM, which includes mapping of vegetation into PCTs and vegetation zones with representative vegetation integrity scores. The proposed development minimises impacts to Box-gum Woodland by avoiding 96% (55.29 hectares) of the high condition zones and 64% (22.69 hectares) of the moderate condition zones. In contrast, over 60% of the impact to PCT 1330 Yellow Box – Blakely's Red Gum grassy woodland occurs in areas that have been disturbed to the extent that they no longer meet the listing criteria for Box-gum Woodland (i.e. the impact of 30.84 hectares to PCT 1330 Yellow Box – Blakely's Red Gum grassy woodland zone 7).

- c. *A description of the extent to which the impact exceeds the threshold for the potential entity*

There is currently no impact threshold for Box-gum Woodland.

- d. *The extent and overall condition of the potential TEC within an area of 1000 hectares, and then 10,000 hectares, surrounding the proposed development footprint.*

The BCAR includes the following estimations:

- There is approximately 272.49 ha of BC Act Box-gum Woodland within 1,000 ha, 134.49 ha of which is in moderate to good condition.
- There is approximately 1,966 hectares of Box-gum Woodland within 10,000 hectares, with approximately 845 hectares in moderate to good condition.

- e. *An estimate of the extant area and overall condition of the potential TEC remaining in the IBRA subregion before and after the impact of the proposed development has been taken into consideration.*

The BCAR estimates that the South Eastern Highlands support somewhere between approximately 106,000 to 230,000 hectares of Box-gum Woodland and approximately between 8,000 to 17,300 hectares in the Murrumbateman IBRA subregion. Based on these estimates, the BCAR states that the proposed development would clear an estimated 0.12 – 0.26% of the remaining Box-gum Woodland in the Murrumbateman IBRA subregion. Using these estimates for the remaining Box-gum Woodland in the Murrumbateman IBRA subregion, approximately between 0.66 – 1.43% of the remaining Box-gum Woodland would be retained in the Avoided Land.

- f. *An estimate of the area of the candidate TEC that is in the reserve system within the IBRA region and the IBRA subregion.*

The BCAR states that approximately 310 hectares of Box-gum Woodland is in the NSW reserve system in the Murrumbateman IBRA subregion.

- g. *The development, clearing or biodiversity certifications proposals impact on:*
- i. *Abiotic factors critical to the long-term survival of the potential TEC.*
 - ii. *Characteristic and functionally important species though impacts such as, but not limited to, inappropriate fire/flooding regimes, removal of understorey species or harvesting of plants.*
 - iii. *The quality and integrity of occurrence of the potential TEC through threats and indirect impacts including, but not limited to, assisting invasive flora and fauna species to become established or causing regular mobilisation of fertilisers, herbicides or other chemical or pollutants which may harm or inhibit growth of species in the potential TEC.*

The BCAR states that the proposed development is unlikely to modify or destroy abiotic factors that would impact the long-term survival of the TEC in the assessment area or impact the characteristic and functionality of important species within the assessment area. It makes this claim on the basis that portions of Box-gum Woodland will be retained, protected and managed for its biodiversity values as a result of the proposed action. This includes the retention of 784 of the 829 native trees (approximately 95%) identified within the assessment area including the retention of Superb Parrot nest trees and additional protection of retained vegetation through a variety of mechanisms (including initial construction related controls).

- h. *Direct or indirect fragmentation and isolation of an important areas of the potential TEC.*

The BCAR states that the proposed development is unlikely to lead to fragmentation or isolation of an important area of this TEC as most of the TEC within the assessment area will be retained, protected and managed for its biodiversity values.

i. The measures proposed to contribute to the recovery of the potential TEC in the IBRA subregion.

The BCAR states that the proposed activity will contribute to the recovery of Box-gum Woodland. This would be achieved through the retention of approximately 114 hectares of Box-gum Woodland within Avoided Land. This Avoided Land will be managed and protected using private land conservation measures including the Certification Agreement and supporting BMP

Golden Sun Moth

Key points from the serious and irreversible impact assessment for each of the required items as per the guidelines is included below. BCD's review is included below.

a. The action and measures taken to avoid the direct and indirect impact on the potential entity for a SAIL

A total of 168.99 hectares of Golden Sun Moth habitat was identified in the assessment area. Of this, 37.45 hectares, or approximately 22% of Golden Sun Moth habitat will be removed by clearing the Certified Land. To reduce the likelihood of a serious and irreversible impact, the proposed development will deliver on the following principles:

- Locating development, including ancillary facilities, as much as possible into poorer condition native vegetation or threatened species habitat;
- implementing measures to ensure that connectivity between adjacent or nearby habitat (including habitat within the assessment area) is maintained to allow for the movement of the species and genetic material to continue;
- protecting and minimising impacts on Avoided Land; and
- reducing the overall development footprint to limit clearing impacts.

In considering these principles, the proposed development will avoid impacts to approximately 77% (129.94 hectares) of the Golden Sun Moth habitat identified in the assessment area. Impacts will primarily occur in areas with a vegetation integrity score below 14 (PCT 1330 Yellow Box – Blakely's Red Gum grassy woodland zones 4, 6 and 7) highlighting that impacts have been designed to occur more in lower quality vegetation.

b. The size of the local population directly and indirectly impacts by the development, clearing or biodiversity certification.

The BCAR notes that estimating populations of Golden Sun Moth is often difficult and that measures of abundance combined with an assessment of habitat size and conditions may be a more appropriate way to determine the viability of a population. The Accredited Assessors state that the average density of moths was 1.5 moths per hectare, which is low in comparison to other nearby sites.

c. The extent to which the impact exceeds any threshold for the potential entity that is specified in the Guidance to assist a decision-maker to determine a serious and irreversible impact

At the time of preparing the BCAR, the Threatened Biodiversity Profile Data Collection (TBDC) included a serious and irreversible impact clearing threshold where clearing >10% of identified habitat on site would be considered a serious and irreversible impact. The BCAR notes that this threshold would be exceeded as approximately 22% of mapped Golden Sun Moth habitat on the site would be cleared. Since submitting the BCAR and the implementation of BAM 2020, this threshold has been removed from the TBDC.

Irrespective of the removal of this threshold, BCD has included an analysis regarding whether the extent to which the impact exceeds this threshold and whether that would, if thresholds were applicable, constitute a serious and irreversible impact:

In reviewing the nature of the impacts to Golden Sun Moth habitat, the design of the proposed development has taken avoidance and minimisation into consideration. Figure 9 shows the comparison of retained Golden Sun Moth habitat compared to impacted habitat, broken down by PCTs. The bulk of impacts to Golden Sun Moth habitat are occurring in PCT 1330 Yellow Box – Blakely's Red Gum grassy woodland zones 3, 4, 6 and 7. Key defining factors of these zones are that they have low diversity of native species in the ground layer and in the case of zones 4 and 7, are dominated by non-native ground layer species which are considered the poorer quality habitat zones for this species. Zones 6 has a native understorey with low diversity. It lacks a native canopy structure which, combined with the low diversity ground layer, is why it is ranked lower in the list of zones.

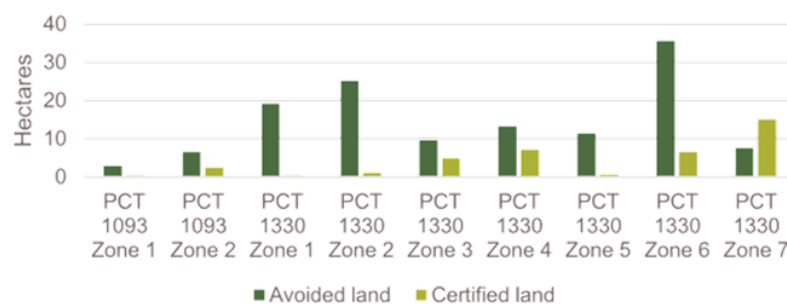


Figure 9: Comparison on retained and impacted Golden Sun Moth habitat per PCT

In comparison, large areas of PCT 1330 Yellow Box – Blakely's Red Gum grassy woodland zones 1 and 2 are to be retained and maintained as Golden Sun Moth habitat. In addition, proportionally more land in PCT 1330 Yellow Box – Blakely's Red Gum grassy woodland zones 3, 4 and 5 will be retained than impacted. Overall, approximately 129.9 hectares of Golden Sun Moth habitat will be avoided compared to a total impact of approximately 37.4 hectares.

Approximately 96.3 hectares of Golden Sun Moth habitat would be retained within the Avoided Land and protected using conservation measures. Within these sites, habitat will be managed to enhance biodiversity values. The TBDC states that Golden Sun Moth have a moderate sensitivity to potential gain. This moderate sensitivity suggests that there is a reasonable chance that conservation measures implemented across the Avoided Land would improve habitat for Golden Sun Moth.

Given the impacts are generally occurring more in the lower quality, with the most impacted vegetation zone being of PCT 1330 Yellow Box – Blakely's Red Gum grassy woodland zone 7, Golden Sun Moth habitat and that areas to be retained are generally within higher quality vegetation zones that will be maintained and improved in some areas, BCD is comfortable that the overall balance of avoidance versus impact is acceptable.

- d. *The likely impact (including direct and indirect impacts) that the development, clearing or biodiversity certification will have on the habitat of the local population, including but not limited to:*
 - i) *An estimate of the change in habitat available to the local population as a result of the proposed development*

- ii) *The proposed loss, modification, destruction or isolation of the available habitat used by the local population*
- iii) *Modification of habitat required for the maintenance of processes important to the species lifecycle, genetic diversity and long-term evolutionary development*

The proposed development would directly impact 37.45 hectares of the 168.9 hectares of Golden Sun Moth habitat identified in the assessment area. The BCAR states that this impact is unlikely to increase habitat fragmentation in the subject land or immediate vicinity and that it is unlikely to result in the modification of habitat that could impact the species lifecycles, genetic diversity or long-term evolutionary development. Within the surrounding 10 kilometres of the assessment area, the Accredited Assessors estimate (based on BioNet records, ACT Government data and their own local knowledge) that there is likely to be over 1,100 hectares of Golden Sun Moth habitat. More broadly, the accredited assessors estimate that there is over 9,900 hectares of Golden Sun Moth habitat in the Murrumbateman IBRA region and almost 15,000 hectares of Golden Sun Moth habitat in NSW.

While there will be some loss of habitat, it is presented in the BCAR as a small impact in the broader scale that would not create barriers to movement or increase habitat fragmentation. The impacts will generally focus more on lower quality and marginal habitat that is at risk of further decline regardless of the proposed action. Mitigating this loss is the retention of approximately 129.8 hectares of Golden Sun Moth habitat that is expected to remain suitable for this species.

- e. *The likely impact on the ecology of the local population. At a minimum, address: breeding, foraging, roosting and dispersal or movement pathways.*

The BCAR states that the proposed development is unlikely to have a significant impact on the local population breeding, foraging movement pathways or long-term viability due to the limited clearing and the provision of on-site avoidance which includes large areas of higher quality habitat compared to the impact area.

- f. *A description of the extent to which the local population will become fragmented or isolated as a result of the proposed development.*

All of the habitat within the assessment areas is considered functionally connected. However, the BCAR states that due to the surrounding infrastructure, urban development, the Yass River forming a natural barrier and surrounding agricultural land, it is likely that the population is not functionally connected to other nearby populations. The BCAR states that the proposed development is unlikely to increase any fragmentation or lead to isolation of a population.

No fragmentation or isolation of a population is expected to occur within the development. The species was identified across most of the site and in low densities. Only the lowest quality areas of non-native vegetation did not contain Golden Sun Moth; with these areas earmarked for the most intense development with the smallest lot sizes. Mitigation measures such as fencing restrictions will be documented in the BMP and BCD is confident that the species will continue to occupy the available habitat within the site.

- g. *The relationship of the local populations to other populations of the same species.*

The BCAR states that the local population is unlikely to have any great importance to other populations in the surrounding region due to its generally isolated nature.

- h. The extent to which the proposed development will lead to an increase in threats and indirect impacts, including impacts from invasive flora and fauna, that may in-turn lead to a decrease in the viability of the local population.*

In summary, the BCAR states that the proposed development is likely to decrease the number of threats to this species within the assessment area. It bases this claim on the fact that current land uses pose a threat to the population and that the new management regimes in Avoided Land that would be implemented as a result of the proposed development are likely to remove some of these threats.

- i. An estimate of the area, or number of populations and size of populations that is in the reserve system in NSW, the IBRA region and the IBRA subregion.*

The BCAR provides a list of reserves in the Murrumbateman IBRA subregion that are known to support this species. The estimated total land in the reserve system based on this assessment is 4,562 hectares.

- j. The measures proposed to contribute to the recovery of the species in the IBRA subregion.*

The proposed development would secure approximately 130 hectares across the assessment area.

Summary

In general, most of the comments against the guideline criteria suggest a serious and irreversible impact is not likely'. In considering the overall assessment, BCD is of the opinion that the balance of impacts compared to Avoided Land will avoid a serious and irreversible impact for this entity. Crucial to this balance is the securing of and appropriate management of Avoided Land into the future. The securing of approximately 97 hectares of known habitat within the proposed biodiversity stewardship sites would be an excellent outcome if the assessment process with the BCT is successful. The appropriate management of the other approximately 35 hectares of Avoided Land, that could otherwise continue to potentially degrade with current land uses is a positive outcome in the opinion of BCD and an outcome that reduces the likelihood of a serious and irreversible impact.

4.1 Proposed conservation measures

Section 8.3(2) of the BC Act identifies the measures that can be specified in the order conferring biodiversity certification as approved conservation measures to offset the impacts on biodiversity values of the clearing of native vegetation and the loss of habitat on biodiversity Certified Land. Non-strategic applications must offset the impacts of the certification of land by retiring biodiversity credits.

Division 6 of Part 6 of the BC Act enables a person who is required to retire biodiversity credits to make a payment instead to the Biodiversity Conservation Fund (BCF) of the value of the credits in accordance with the offsets payment calculator.

Retirement of biodiversity credits

Name of credit	BBAM or BAM credit ²	Number of credits	In accordance with like-for-like, or variation rules?	Timing of purchase/retirement of credits
Ecosystem credits				
PCT 1093 Red Stringybark – Brittle Gum – Inland Scribbly Gum forest	BAM	37	Like-for-like	Prior to the issuing of subdivision certificates
PCT 1330 Yellow Box – Blakely's Red Gum grassy woodland	BAM	98	Like-for-like	Prior to the issuing of subdivision certificates
Species credits				
Superb Parrot	BAM	87	Like-for-like	Prior to the issuing of subdivision certificates
Golden Sun Moth	BAM	419	Like-for-like	Prior to the issuing of subdivision certificates
Silky swainson-pea	BAM	12	Like-for-like	Prior to the issuing of subdivision certificates

The conservation measures available to the Minister in granting certification for a standard biodiversity certification application is limited to:

- the retirement of credits; and
- measures to avoid and minimise the impact on biodiversity values.

As such, BCD cannot recommend specific biodiversity stewardship agreements are entered in to on certain land or under certain conditions. In addition, the recommendation for any approval of biodiversity stewardship site is at the discretion of the Minister. However, given the wholistic proposal put forward by the Proponent in the case of this application for biodiversity certification, BCD is recommending that the biodiversity certification agreement between the Minister and the Proponent require the Proponent to apply for the proposed biodiversity stewardship agreements as committed to in the BCAR.

At the time of preparing this recommendation report, the Proponent had entered preliminary discussions with the BCT about undertaking the necessary assessments of the proposed stewardship sites. An estimation of the likely credits generated from the proposed biodiversity stewardships sites was included in the BCAR but has been omitted from this report as ultimately it is a recommendation from the BCT and a decision for the Minister separate to this certification process.

² Where credits are proposed to be retired from a biobanking agreement under the former *Threatened Species Conservation Act 1995* (i.e. biodiversity banking assessment methodology (BBAM) credits), a statement of reasonable equivalence from the Environment Agency Head is required to determine the equivalent number of BAM credits under the BC Act.

Based on the estimates provided in the BCAR, the proposed biodiversity stewardship sites are not likely provide all the credits required to offset the impact of the development; though it is highly likely that the majority of the credit obligation will be met from retiring credits generated by these sites. The Proponent is aware of the options available to retire biodiversity credits, as stated in the BCAR and the BC Act. Given that the majority of the credit obligation would be met by the proposed biodiversity stewardship sites based on the reported estimates, and that a large excess of PCT 1330 Yellow Box – Blakely's Red Gum grassy woodland credits are likely to be generated, BCD is confident that the Proponent will be able to meet the balance required.

In the accompanying Order, the Proponent is required to retire their entire credit obligation upon the:

- Issue of the first Subdivision Certificate; and
- The establishment of the four Biodiversity Stewardship Agreements

If after 2 years from the date of conferral all the Biodiversity Credits have not been retired, the Proponent must retire all outstanding Biodiversity Credits within 14 business days of execution.

This timing has been selected for two main reasons:

1. At this point in the development process the Proponent is in a vulnerable position, that is one where they will be highly motivated to retire credits, as they will have invested significant time and finances into commencing the project establishing roads and other infrastructure, with no ability to sell individual lots without subdivision certificates; and
2. The issuing of subdivision certificates would not be expected for approximately 12 months, or longer, from the conferral of certification, allowing the Proponent and the BCT sufficient time to apply for, assess and make recommendations regarding the establishment of biodiversity stewardship sites to generate credits that Proponent has stated in the BCAR would be put towards their offset obligations.

The credit retirement timeframe has been discussed with the Proponent and their consultants. All parties agree that it is a workable and fair arrangement. BCD is comfortable with this arrangement.

BCD have discussed this timeframe with both Yass Valley Council and DAWE as it differs from the typical requirement to offset prior to the commencement of impacts. Both parties are aware and supportive of BCDs recommendations on this matter.

At the time of preparing this recommendation report, the Accredited Assessors engaged to prepare the applications for the biodiversity stewardship sites were engaged in pre-submission discussions with the BCT with applications expected to be formally made in February-March 2022, demonstrating the intent to deliver the project as proposed in the BCAR.

In preparing this recommendation package, BCD consulted with the BCT to discuss the proposed conservation measures. The BCT confirmed that were in discussion with the Proponents and their consultants regarding application for the proposed biodiversity stewardship sites as discussed in the BCAR. The BCT recommended that BCD address clause 5.1(1)I of the BC Regulation in any recommendation package to ensure there is no risk that the proposed biodiversity stewardship site land would not be eligible to be designated as a biodiversity stewardship site.

5. Matters for the decision-maker to consider

For lands to be biodiversity certified, the decision-maker must be satisfied in relation to certain matters outlined in Part 8 of the BC Act. These matters have been assessed by DPE-EES and documented in this recommendation report.

BC Act section	Matters to be considered by the decision-maker	Report Section
8.6(1)	Consultation with local council	5.1.1
8.6(2)	Consultation with Minister for Planning	5.1.2
8.6(3)	Public notification requirements	5.1.3
6.5 8.8	Impacts likely to have serious and irreversible impacts on biodiversity values	5.3
8.7	Biodiversity certification to be conferred only if, having regard to the BCAR, the approved conservation measures adequately address the likely impacts on biodiversity values of the biodiversity certification of the land.	5.4

5.1 Consultation and public notification

5.1.1 Consultation with local council

Consultation and public exhibition

Consultation between the Woodbury Ridge project team, the Yass Valley Council and BCD has been ongoing throughout the assessment process. Consultation is summarised and discussed in section 1.3 of the BCAR with correspondence included in Appendix I.

Discussion

The BCAR draft version 3 was made available to members of the public between 14 June 2021 – 26 July 2021. The public were invited to make comment on the BCAR. No public comments were received during this time. BCD believe this is due to the long history of the project, which has included a Planning Proposal. As such, the project would have had substantial notification to the local community.

Recommendation

That the decision-maker be **satisfied** that the requirements for consultation with the local council of the area set out in section 8.6(1) of the *Biodiversity Conservation Act 2016* and clause 8.4 of the *Biodiversity Conservation Regulation 2017* have been met.

5.1.2 Consultation with Minister for Planning

Section 8.6 of the BC Act provides that:

(2) The Minister is to consult the Minister for Planning before determining an application for biodiversity certification.

Discussion

Consultation with the Minister of Planning regarding this application was undertaken on two occasions. A presentation was provided to the Director Southern Directorate Local and Regional Planning and the package was provided to the Minister for his review. The delegate for the Minister for Planning provided a response regarding this proposal on the 8 November 2021, the response was generally supportive of the proposal.

Recommendation

That the decision-maker be satisfied that consultation with the Minister for Planning has occurred.

5.1.3 Public notification

Section 8.6 of the BC Act sets out the requirements for public notification of the application.

(3) The Minister is not to confer biodiversity certification unless—

- (a) the applicant for biodiversity certification publishes notice of the application in a newspaper circulating generally throughout the State and on a website approved by the Minister (and specifies in the notice where the application will be exhibited), and
- (b) the notice invites the public to make submissions relating to the application before a closing date for submissions specified in the notice (being a date that is not less than 30 days after the date the notice is first published in a newspaper under this section), and
- (c) the applicant causes copies of the application to be exhibited on its website and such other places that the Minister requires (until the closing date for submissions), and
- (d) the applicant provides a report to the Minister that indicates the applicant's response to any submissions relating to the application that were received by the applicant before the closing date.

(4) An applicant may vary its application for biodiversity certification as a consequence of any submission received following public notification of the application or for any other reason.

(5) Further public notification of the application, as varied, is not required unless the Minister otherwise directs

Discussion

Details of consultation	Comments
Was consultation under s 8.6 of the BC Act followed?	Yes
Time period application was on exhibition	42 days –14 June 2021 to 26 July 2021
Number of submissions received	0
Is application varied as a result of submissions?	No

Recommendation

That the decision-maker be **satisfied** that the public notification requirements in section 8.6(3) of the *Biodiversity Conservation Act 2016* have been met and that further public notification is not required.

5.2 Additional consultation with Commonwealth Department of Agriculture, Water and the Environment

The Commonwealth Department of Agriculture, Water and the Environment (DAWE) Southern NSW and ACT Assessments team was approached for consultation in October 2021. On 14 October 2021, a teleconference was held to discuss the broad details of the proposal given multiple entities listed under both NSW and Commonwealth jurisdiction will be subject to impacts. The purpose of the meeting was to have a broad discussion about the nature of the proposed action and scale and extend of impacts under our respective jurisdictions.

BCD and DAWE have remained in contact during the assessment process to ensure neither party recommends conditions that would be inconsistent. This has been an important step and the EPBC Act assessment will endorse the offset requirements recommended by BCD. Correspondence on this issue has continued into February 2022. The EPBC Act decision is expected to be made in June 2022.

5.3 Serious and irreversible impacts

Section 8.8 of the BC Act states that:

- (2) If the Minister is of the opinion that the clearing of native vegetation and loss of habitat on land proposed for biodiversity certification is likely to have serious and irreversible impacts on biodiversity values, the Minister—
- (a) is required to take those impacts into consideration in determining the application for biodiversity certification, and
 - (b) is required to determine whether there are any additional and appropriate measures that will minimise those impacts.

Discussion

The proposed development will result in the removal of a total of 20.01 hectares of BC Act listed Box-gum Woodland and 37.45 hectares of Golden Sun Moth habitat. Both these entities are considered serious and irreversible impact entities.

Box-gum Woodland

Regarding impacts to Box-gum Woodland, the areas being cleared are generally restricted to the more degraded and relatively low value (lower VI score) vegetation zones identified in the assessment area. This is highlighted when considering PCT 1330 Yellow Box – Blakely's Red Gum grassy woodland zone 7, which historically would have met the criteria for Box-gum Woodland but no longer does, is the most impacted vegetation zone. This is a design focus of the project; to avoid larger areas of higher quality vegetation.

In comparison approximately 144 hectares of Box-gum Woodland in moderate to high condition will be avoided. The Avoided Land will be protected under the Biodiversity Conservation Agreement and supporting BMP. This includes 88.2 hectares of Box-gum Woodland which is proposed to be protected in biodiversity stewardship sites. An additional 25.2 hectares of Box-gum Woodland will be protected in Avoided Land and managed consistent with a BCD approved BMP. No overstorey vegetation or groundcover will be permitted to be removed outside the certified areas. This will maintain and enhance the areas of Box gum woodland. The balance of Avoided Land compared to areas impacted is in favour of improved biodiversity outcomes, there is sufficient structure in place to ensure a level of protection and management is applied to the Avoided Land.

Based on this assessment, BCD is confident a serious and irreversible impact to Box-gum Woodland can be avoided.

Golden Sun Moth

Golden Sun Moth habitat is available more broadly across the assessment area compared to Box-gum Woodland, with only the lowest quality vegetation zones not considered habitat. The project is still able to demonstrate a development consistent with avoiding a serious and irreversible impact as the more intense development has been restricted to the lowest quality vegetation zones in the north-east and north-west corners of the assessment area where habitat for Golden Sun Moth is not present. Even within the mapped habitat and impact areas, the actual habitat conditions for the species is considered generally lower quality.

A significant portion of land to be secured will retain and enhance Golden Sun Moth habitat. Approximately 130 hectares of Golden Sun Moth habitat will be avoided, with mitigation measures to be established to ensure the species can continue to occupy the same range within the development. A total of 96.36 hectares of Golden Sun Moth habitat would potentially be secured and managed for its biodiversity values using private land conservation measures. An additional 33.58 hectares will be protected in the Avoided Land, with enforceable management measures outlined in a BMP to be imposed on landowners. Management measures will include restrictions on certain types of fencing, restrictions on planting and biomass control that are anticipated to allow Golden Sun Moth to persist and move throughout the site.

Given the balance of land between impacted areas compared to Avoided Land and land to be managed for biodiversity reasons, BCD is confident an actual serious and irreversible impact to Golden Sun Moth can be avoided.

BCD's position is that the that the proposed action is not likely to cause serious and irreversible impacts on Box-gum Woodland or to the Golden Sun Moth and that the other approved conservation measures will ensure an acceptable biodiversity outcome is achieved.

Recommendation

- That the decision-maker determine, in accordance with section 6.5 of the *Biodiversity Conservation Act 2016*, that the clearing of native vegetation and loss of habitat on land proposed for biodiversity certification **is not** likely to have serious and irreversible impacts on biodiversity values.
- That the decision-maker having taken those serious and irreversible impacts into consideration, in accordance with section 8.8 of the *Biodiversity Conservation Act 2016*, determine that there **are not** additional and appropriate measures that will minimise those impacts.

5.3.1 Biodiversity certification assessment report prepared in accordance with the BAM

Section 6.13 of the BC Act provides that:

For the purposes of the biodiversity offsets scheme, a biodiversity certification assessment report is a report prepared by an accredited person in relation to the proposed biodiversity certification of land under Part 8 that—

- (a) assesses in accordance with the biodiversity assessment method the biodiversity values of the land proposed for biodiversity certification, and
- (b) assesses in accordance with that method the impacts on biodiversity values of the actions to which the biodiversity offsets scheme applies on the land proposed for biodiversity certification, and specifies the number and class of biodiversity credits to be retired to offset those impacts as determined in accordance with that method, and
- (c) that specifies other proposed conservation measures on or in respect of other land to offset those impacts on biodiversity values and their value (in terms of biodiversity credits) determined in accordance with that method.

Discussion

The Woodbury Ridge Estate Biodiversity Certification Assessment Report was prepared by a team of qualified ecologists from Capital Ecology Pty Ltd, Sam Reid (BAAS20006), Shannan Thompson, Catherine Ross and Robert Speirs (BAAS17089). Sam Reid and Robert Speirs are accredited persons in accordance with section 6.10 of the BC Act. BCD is satisfied that the BCAR was prepared in accordance with the BAM

BCD have reviewed the BCAR and it is consistent with the BAM, noting the BCAR, and application for biodiversity certification, was prepared using the BAM 2017.

5.4 Biodiversity certification to be conferred only if approved conservation measures adequately address the likely impacts

An application for biodiversity certification must be accompanied by a BCAR and including a biodiversity certification strategy prepared in accordance with the BAM.

The BCAR and strategy have been reviewed by the Department of Planning and Environment (Environment, Energy and Science, DPIE-EES) BCD South East Planning team as documented in this Recommendation Report.

Section 8.7 of the BC Act provides that:

- (1) The Minister may confer biodiversity certification only if the Minister is satisfied that (having regard to the biodiversity certification assessment report) the approved conservation measures under the biodiversity certification adequately address the likely impacts on biodiversity values of the biodiversity certification of the land.
- (2) For the purposes of determining the approved conservation measures (including the number of credits that may be required to be retired), the Minister is to have regard to the biodiversity certification assessment report but is not bound by that report.
- (3) This section applies to the extension or modification of biodiversity certification under this Part in the same way as it applies to the conferral of biodiversity certification.

Discussion:

In preparing this recommendation package, BCD has reviewed the BCAR and all measures to reduce the impacts of biodiversity values within the assessment area.

BCD's opinion is that the overall proposal demonstrates the hierarchy of avoid, minimise and offset. The approved conservation measures recommended in the biodiversity certification order are from the provisions of an offset through the retirement of credits as reported in the BCAR and other approved conservation measures to avoid and minimise impacts to biodiversity values. The order will direct the type, volume and timing regarding the retirement of the credit obligation.

Recommendation:

That the decision-maker be **satisfied** in accordance with section 8.7(1) of the *Biodiversity Conservation Act 2016* that, having regard to the biodiversity certification assessment report, the approved conservation measures under the biodiversity certification adequately address the likely impacts on biodiversity values of the biodiversity certification of the land.

6. Decision to confer biodiversity certification

Section 8.2 of the BC Act states that:

8.2 Biodiversity certification

The Minister may, by order published in the Gazette, confer biodiversity certification on specified land in accordance with this Part.

Section 8.5 of the BC Act sets out the grounds on which the Minister may decline to deal with an application for biodiversity certification or confer biodiversity.

8.5 Application for biodiversity certification

(5) The Minister may decline to deal with an application for biodiversity certification or to confer biodiversity certification—

- (a) if the application for certification has not been duly made, or
- (b) if the Minister considers that insufficient information has been provided to enable the conferral of biodiversity certification, or
- (c) for any other reason the Minister considers sufficient.

Discussion:

BCD considers that the application for biodiversity certification **has** adequately addressed the requirements of the BAM and that the proposed conservation measures under the biodiversity certification adequately address the likely impacts on biodiversity values of the biodiversity certification of the land (section 5.2 above).

The conferral of biodiversity certification should be subject to the terms of the proposed Biodiversity Certification Order and Biodiversity Certification Agreement attached to the accompanying Briefing Note.

Recommendation

That the decision-maker **confer** biodiversity certification on land specified in the order in accordance with section 8.2 of the *Biodiversity Conservation Act 2016* by signing and dating this Decision Report, and by signing and dating the order conferring biodiversity certification attached to the Briefing Note accompanying this report and approving its publication in the Government Gazette.

[title]

Appendices

Appendix 1 - Native vegetation impacts and credit requirements (ecosystem credits)

Table 1 Ecosystem credits required to offset the proposed biodiversity certification of land

Impacted plant community type/ TEC	Area impacted (hectares)	Number of ecosyste m credits	IBRA sub-region	Plant community types(s) that can be used under like for like offset rules
PCT 1093 – Red Stringybark – Brittle Gum – Inland Scribbly Gum dry open forest of the tablelands, South Eastern Highlands Bioregion (Not a TEC)	2.57	37	Murrumbateman	Southern Tableland Dry Sclerophyll Forests This includes PCT's: 299, 349, 351, 352, 653, 701, 727, 728, 730, 888, 957, 1093, 1177
PCT 1330 – Yellow Box – Blakely's Red Gum grassy woodland on the tablelands, South Eastern Highlands Bioregion	20.01 (for zones 1-6 which is TEC) + 30.84 (zone 7 not a TEC) Total: 50.85	98	Murrumbateman	White Box - Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland in the NSW North Coast, New England Tableland, Nandewar, Brigalow Belt South, Sydney Basin, South Eastern Highland This includes PCT's: 74, 75, 83, 250, 266, 267, 268, 270, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 286, 298, 302, 312, 341, 342, 347, 350, 352, 356, 367, 381, 382, 395, 401, 403, 421, 433, 434, 435, 436, 437, 451, 483, 484, 488, 492, 496, 508, 509, 510, 511, 528, 538, 544, 563, 567, 571, 589, 590, 597, 599, 618, 619, 622, 633, 654, 702, 703, 704, 705, 710, 711, 796, 797, 799, 840, 847, 851, 921, 1099, 1103, 1303, 1304, 1307, 1324, 1329, 1330, 1331, 1332, 1333, 1334, 1383, 1401, 1512, 1606, 1608, 1611, 1691, 1693, 1695, 1698

[title]

Appendix 2 - Species impact and credit requirements (species credits)

Table 2 Species credits required to offset the proposed biodiversity certification of land

Impacted species	Area of habitat (hectares)	Number of species credits	IBRA sub-region
Golden Sun Moth (<i>Synemon plana</i>)	37.45	419	Murrumbateman
Superb Parrot (<i>Polytelis swainsonii</i>)	6.53	87	Murrumbateman
Silky Swainson-pea (<i>Swainsona sericea</i>)	0.86	12	Murrumbateman

[title]

Appendix 3 - Credit summary

Credit requirement				Proposed offset measures			Surplus or deficit
Ecosystem or species credit	Name of credit	Credit class	Number of credits required for land proposed for certification (A)	Retirement of credits or payment into the BCF	Name of credit to be retired or obligation to be met by payment into the BCF	Number of credits to be retired (B) or obligation to be met by payment into the BCF	Number of credits in surplus or deficit (B-A)
Ecosystem credit	PCT 1093	Southern Tableland Dry Sclerophyll Forests This includes PCT's: 299, 349, 351, 352, 653, 701, 727, 728, 730, 888, 957, 1093, 1177	37	TBC			Likely deficit of 15 credits
	PCT 1330	White Box - Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland in the NSW North Coast, New England Tableland, Nandewar, Brigalow Belt South, Sydney Basin, South Eastern Highlands This includes PCT's: 74, 75, 83, 250, 266, 267, 268, 270, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 286, 298, 302, 312, 341, 342, 347, 350, 352, 356, 367, 381, 382, 395, 401, 403, 421, 433, 434, 435, 436, 437, 451, 483, 484, 488, 492, 496, 508,	98	TBC			Likely surplus of 246 credits

Credit requirement				Proposed offset measures			Surplus or deficit
Ecosystem or species credit	Name of credit	Credit class	Number of credits required for land proposed for certification (A)	Retirement of credits or payment into the BCF	Name of credit to be retired or obligation to be met by payment into the BCF	Number of credits to be retired (B) or obligation to be met by payment into the BCF	Number of credits in surplus or deficit (B-A)
		509, 510, 511, 528, 538, 544, 563, 567, 571, 589, 590, 597, 599, 618, 619, 622, 633, 654, 702, 703, 704, 705, 710, 711, 796, 797, 799, 840, 847, 851, 921, 1099, 1103, 1303, 1304, 1307, 1324, 1329, 1330, 1331, 1332, 1333, 1334, 1383, 1401, 1512, 1606, 1608, 1611, 1691, 1693, 1695, 1698					
Species credit	Superb Parrot		74	TBC			Likely deficit of 57 credits
	Silky swainson-pea		12	TBC			Likely deficit of 7 credits
	Golden Sun Moth		419	TBC			Likely deficit of 54 credits

Kate Baker

From: [REDACTED]
Sent: Wednesday, 24 March 2021 12:20 PM
To: Kate Baker
Cc: Network Planning
Subject: Re: Referral for Development Application - 2090 Sutton Road, Sutton (Lot 5 DP838497) - DA200273 - Community title subdivision (67 lots)
Attachments: DA200273 - Civil Plans - Extracted Pages Only - 2090 Sutton Road.pdf

[EXTERNAL] Please exercise caution when clicking on links or attachments from external sources.

Dear Sir/Madam,

We refer to the above matter and to your below correspondence seeking comment from Essential Energy in relation to the proposed development.

Strictly based on the documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development.

Essential Energy makes the following general comments:

1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
2. As part of the subdivision, easements are to be created for any existing or new electrical infrastructure, using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision. Refer Essential Energy's Contestable Works team for all requirements (including any proposals to re-locate or underground existing infrastructure) via email [REDACTED].
3. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
4. Council should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions. Despite Essential Energy not having any safety concerns, there may be issues with respect to the subdivision layout, which will require Essential Energy's approval.
5. In addition, Essential Energy's records indicate there is electricity infrastructure located within the property and within close proximity to the property. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
6. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the *Electricity Supply Act 1995 (NSW)*.
7. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW

(www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines* and *Code of Practice – Work near Underground Assets*.

Should you require any clarification, please do not hesitate to contact us.

Regards

Fiona Duncan
Conveyancing Officer
Legal & Conveyancing
Governance & Corporate Services

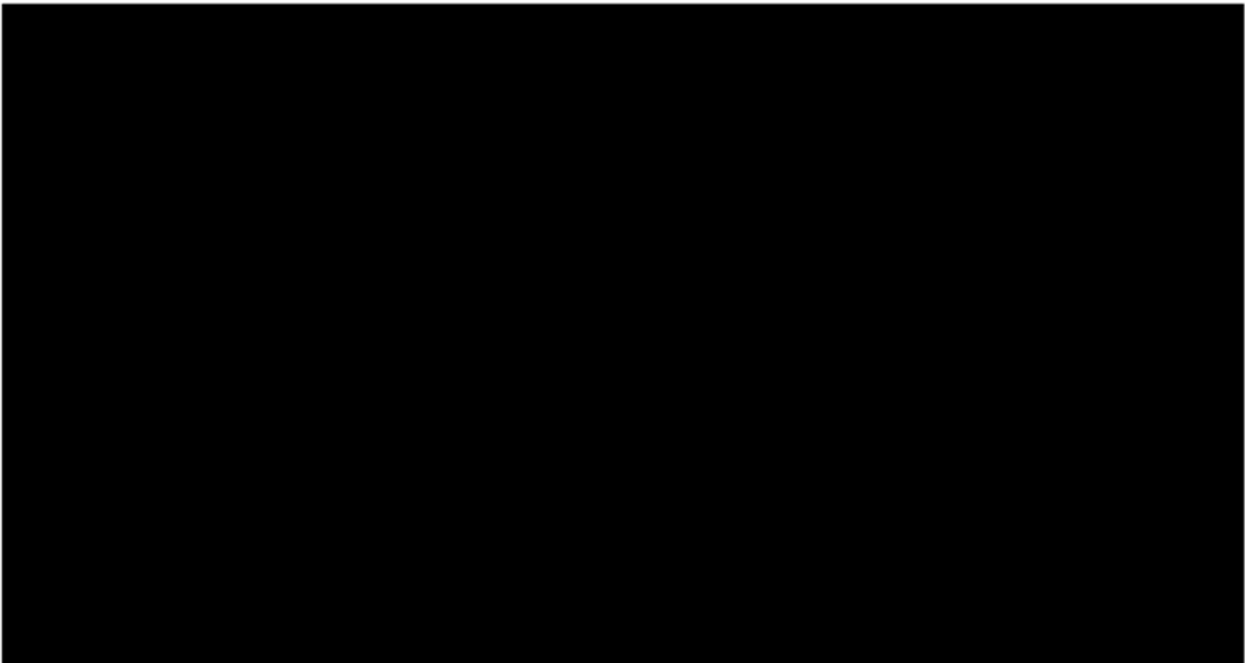


T: [REDACTED] | [REDACTED]

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Natural Resources
Access Regulator

Contact: Natural Resources Access Regulator
Phone: 1800 633 362
Email: nrar.enquiries@nrar.nsw.gov.au

Our ref: IDAS1132260
Your ref: DA2020/273

24 September 2021

General Manager
Yass Valley Council
(Uploaded to the ePlanning Portal)

Attention: Jeremy Knox

Dear Sir/Madam

Re: IDAS1132260 - Integrated Development Referral – General Terms of Approval
Dev Ref: DA2020/273
Description: Staged community title subdivision to create 67 lots and associated civil works
Location: Lot 5 DP838497, Sutton Rd, SUTTON NSW 2650

I refer to your recent referral regarding an integrated Development Application (DA) proposed for the above location. Attached, please find Natural Resources Access Regulator's General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 4.46 of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, NRAR requests these GTA be included (in their entirety) in Council's development consent. Please also note NRAR requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities (i) in the bed of any river, lake or estuary; (ii) on the banks of any river lake or estuary, (iii) on land within 40 metres of the highest bank of a river lake or estuary; or (iv) any excavation which interferes with an aquifer.

NRAR will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

- if Council receives an application under s4.46 of the EPA Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, NRAR recommends the following condition be included in the development consent:

The attached GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for a Controlled Activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity.

A completed application must be submitted to NRAR together with any required plans, documents, application fee and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Applications for controlled activity approval should be made to NRAR, by lodgement of a Controlled Activity Approval – New approval application on the NSW Planning Portal at: <https://www.planningportal.nsw.gov.au/>

NRAR requests that Council provide a copy of this letter to the development consent holder.

NRAR also requests a copy of the determination for this development application be provided by Council as required under section 4.47(6) the EPA Act.

Yours Sincerely



For
David Zerafa
Senior Water Regulation Officer
Licensing & Approvals
Water Regulatory Operations
Natural Resources Access Regulator



Natural Resources
Access Regulator

General Terms of Approval

for proposed development requiring approval under s89,
90 or 91 of the Water Management Act 2000

Reference Number:	IDAS1132260
Issue date of GTA:	24 September 2021
Type of Approval:	Controlled Activity
Location of work/activity:	Lot 5 DP838497, Sutton Rd, SUTTON NSW 2650
Waterfront Land:	Yass River
DA Number:	DA2020/273
LGA:	Yass Valley Council

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
TC-G001	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
TC-G004	<p>A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application DA2020/273 provided by Council to Natural Resources Access Regulator.</p> <p>B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, must be notified in writing to determine if any variations to the GTA will be required.</p>

TC-G005

A. The application for a controlled activity approval must include the following plan(s):

- i. Site plans indicating the demarcation of waterfront land, designated riparian corridors and identifying any areas of encroachments and offsets
- ii. Detailed civil construction plans;
- iii. Construction staging plans;
- iv. Subdivision staging plans;
- v. Construction streamworks plans;
- vi. Construction watercourse crossing design plans;
- vii. Erosion and sediment control plans;
- viii. Construction detailed drainage plans;
- ix. Construction stormwater drainage outlet plan;
- x. Vegetation management plan;
- xi. Construction detailed bulk earthworks plans;

B. The plan(s) must be prepared in accordance with Natural Resources Access Regulator's guidelines located on the website

<https://www.dpie.nsw.gov.au/nrar/how-to-apply/controlled-activities/guidelines-for-controlled-activities>



Natural Resources
Access Regulator

General Terms of Approval

for proposed development requiring approval under s89,
90 or 91 of the Water Management Act 2000

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with IDAS1132260 as provided by Council:

- Statement of Environmental Effects, prepared by Planned TCC, dated 11 December 2020
- Subdivision Plan, prepared by Planned TCC, dated 9 December 2020
- Civil Plans, prepared by Spiire, dated 10 December 2020



NSW RURAL FIRE SERVICE

Yass Valley Council
Locked Bag 6
YASS NSW 2582

Your reference: (CNR-17204) DA200273
Our reference: DA20210127000313-CL55-1

ATTENTION: Kate Baker

Date: Tuesday 18 January 2022

Dear Sir/Madam,

Integrated Development Application
s100B – Subdivision – Community Title Subdivision
2090 SUTTON RD SUTTON NSW 2620, 1//DP1272209

I refer to your correspondence dated 16/12/2021 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the submitted amended information. General Terms of Approval are now re-issued, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions.

General Conditions

1. The development proposal is to comply with the subdivision layout identified on the drawing prepared by Place Logic, titled DA Layout D numbered 105, dated 21/09/2021.
2. At the issue of a Subdivision Certificate, a suitably worded legal instrument shall be created over proposed Lots AE, BC to BE and CA to CD which requires;
 - Creation of building envelopes onsite in accordance with the subdivisions plan prepared by Place Logic, titled Subdivision DA Layout D, drawing number 105, revision 12, dated 21/09/2021;
 - Prohibits the construction of a residential dwelling outside of the building envelope;
 - New construction shall comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone area or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and as amended by section 7.5 of *Planning for Bush Fire Protection 2019*; and,
 - Facilitates the ongoing legal management of APZs, as specified in Conditions 4 and 5 below.
 - To aid in fire fighting activities, unobstructed pedestrian access to the rear of the property or the extent of the APZ, shall be provided and is to be maintained at all times.

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

3. At the issue of a Subdivision Certificate, a suitably worded legal instrument shall be created over proposed Lot BF to BQ, which requires;

- Future dwellings to be sited in a location which ensures that the building will not be exposed to radiant heat levels that exceed 12.5kW/m² (BAL 12.5);
- New construction shall comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone area or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and as amended by section 7.5 of *Planning for Bush Fire Protection 2019*;
- To aid in fire fighting activities, unobstructed pedestrian access to the rear of the property shall be provided and is to be maintained at all times.

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

4. At the issue of a subdivision certificate for any stage, and in perpetuity, the entirety of all road reserves, community lots and proposed lots A to S, AA to AZ, BA, BB and BF to BQ shall be managed as an inner protection area (IPA) as outlined within section 5 and Appendix 4 of *Planning for Bush Fire Protection 2019* and the NSW Rural Fire Service's document *Standards for Asset Protection Zones*.

5. Prior to the release of subdivisions certificate for any stage, and in perpetuity, the area around the building envelopes of Lots AE, BC to BE, BQ and CA to CD shall be managed as outlined within section 5.3 and Appendix 4 of *Planning for Bush Fire Protection 2019* and the NSW Rural Fire Service's document *Standards for Asset Protection Zones* as follows:

Proposed Lot AE

- East Direction: IPA for a minimum distance of 32 metres.

Proposed Lot BC

- All Directions: IPA for a minimum distance of 39 metres.

Proposed Lot BD

- North, East and South Directions: IPA for a minimum distance of 39 metres; and,
- West Direction: IPA for a minimum distance of 26 metres.

Proposed Lot BE

- North, East and West Directions: IPA for a minimum distance of 39 metres; and,
- South Direction: IPA for a minimum distance of 26 metres.

Proposed Lot BQ

- South Direction: IPA for a minimum distance of 26 metres.

Proposed lot CA

- North, East and South Directions: Inner Protection Area (IPA) for a minimum distance of 39 metres; and,
- West Direction: IPA for a minimum distance of 32 metres.

Proposed Lot CB

- North and East Directions: IPA for a minimum distance of 39 metres;
- South Direction: IPA for a minimum distance of 26 metres; and,
- West Direction: IPA for a minimum distance of 32 metres.

Proposed Lot CC

- All Directions: IPA for a minimum distance of 39 metres.

Proposed Lot CD

- North and West Directions: IPA for a minimum distance of 26 metres; and,
- East and South Directions: IPA for a minimum distance of 39 metres.

6. Where the APZs specified in Condition 5 above extend outside of the property boundary they shall be covered by a suitably worded legal instrument such as a Section 88B instrument under the Conveyancing Act 1919. The legal instrument shall facilitate the lawful ability to create and manage the APZ for the life of the development.

Access – Public Roads

The intent of measures is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

7. Perimeter roads must comply with the general requirements outlined in Table 5.3b of Planning for Bush Fire Protection 2019 and the following:

- Are two-way sealed roads;
- Have a minimum 8 metres carriageway width kerb to kerb;
- Parking is provided outside of the carriageway width;
- Hydrants are located clear of parking areas;
- Curves of roads have a minimum inner radius of 6 metres;
- The maximum grade road is 15 degrees and average grade of not more than 10 degrees;
- The road crossfall does not exceed 3 degrees; and
- A minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches, is provided.

8. Non-perimeter roads must comply with the general requirements outlined in Table 5.3b of Planning for Bush Fire Protection 2019 and the following:

- Are two-way sealed roads;
- Have a minimum 5.5 metres carriageway width kerb to kerb;
- Parking is provided outside of the carriageway width;
- Hydrants are located clear of parking areas;
- Curves of roads have a minimum inner radius of 6 metres;
- The road cross fall does not exceed 3 degrees; and
- A minimum vertical clearance of 4 metres to any overhanging obstruction, including tree branches, is provided.

9. Emergency access to Old Federal Highway shall be constructed to comply with non-perimeter road standards as detailed in condition 8 above and shall be ungated/unobstructed.

10. Temporary turning heads must be provided to temporary dead end roads incorporating either a minimum 12 metre radius turning circle or turning heads compliant with A3.3. Vehicle turning head requirements of *Planning for Bush Fire Protection 2019*. The turning areas may be removed upon opening of future proposed through roads.

Access – Property Access

The intent of measures is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

11. Property access roads must comply with the following requirements of Planning for Bush Fire Protection 2019:

- property access roads are two-wheel drive, allweather roads;
- the capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes), bridges and causeways are to clearly indicate load rating.

Attachment H Referral Responses

- hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005;
- there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available;
- at least one alternative property access road is provided for individual dwellings or groups of dwellings that are located more than 200 metres from a public through road;
- minimum 4m carriageway width;
- in forest, woodland and heath situations, rural property roads have passing bays every 200m that are 20m long by 2m wide, making a minimum trafficable width of 6m, at the passing bay;
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;
- property access must provide a suitable turning area in accordance with Appendix 3;
- curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;
- the minimum distance between inner and outer curves is 6m;
- the crossfall is not more than 10 degrees;
- maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads; and
- a development comprising more than three dwellings has formalised access by dedication of a road and not by right of way.

Note: Some short constrictions in the access may be accepted where they are not less than 3.5m wide, extend for no more than 30m and where the obstruction cannot be reasonably avoided or removed. The gradients applicable to public roads also apply to community style development property access roads in addition to the above.

Water and Utility Services

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

12. The provision of water, electricity and gas must comply with the following in accordance with Table 5.3c of *Planning for Bush Fire Protection 2019*:

- Reticulated water is to be provided to the development where available;
- Fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2005;
- Hydrants are and not located within any road carriageway;
- Reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
- Fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005;
- All above-ground water service pipes are metal, including and up to any taps;
- Where practicable, electrical transmission lines are underground;
- Where overhead, electrical transmission lines are proposed as follows:
 - Lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - No part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- Reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- Reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used;
- All fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- Connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
- Above-ground gas service pipes are metal, including and up to any outlets.

General Advice - Consent Authority to Note

- Development applications lodged on lots created within this subdivision may be subject to further assessment under the Environmental Planning & Assessment Act 1979.
- The proposed subdivision relies on a performance solution to demonstrate compliance with the aims and objectives of Planning for Bushfire Protection due to departures from the acceptable solutions for access (i.e. lack of perimeter roads, through roads and secondary access). The performance solution imposed BAL 12.5 APZs and future construction to BAL 29 for lots impacted.
- It is noted as part of the NSW Rural Fires Service Assessment some portions of the submitted bushfire reports hazard assessment could not be verified. This has resulted in the APZs in some areas being larger than those specified in the submitted report.

This letter is in response to an assessment of the application based on the submitted further information and supersedes our previous general terms of approval dated 25/05/2021.

For any queries regarding this correspondence, please contact Anna Jones on 1300 NSW RFS.

Yours sincerely,

Michael Gray
Manager Planning & Environment Services
Built & Natural Environment



NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

Subdivision – Community Title Subdivision
2090 SUTTON RD SUTTON NSW 2620, 1//DP1272209
RFS Reference: DA20210127000313-CL55-1
Your Reference: (CNR-17204) DA200273

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority supersedes the previous Bush Fire Safety Authority DA20210127000313-Original-1 issued on 25/05/2021 and confirms that, subject to the attached reissued General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

Michael Gray

Manager Planning & Environment Services
Built & Natural Environment

Tuesday 18 January 2022



Transport
for NSW

SWT21/00006
SF2021/015836
CO/MM

31 March 2021

The General Manager
Yass Valley Council
PO Box 6
YASS NSW 2582

Attention: Jeremy Knox

DA200273 – PROPOSED 67 LOT SUBDIVISION, LOT 5 DP838497, SUTTON ROAD, SUTTON.

I refer to your correspondence regarding the subject Application which was referred to Transport for NSW for assessment and comment.

From the information provided it is understood that this proposal is for a subdivision creating 67 allotments and new roads to be developed in stages. The subject land is located on the southern side of the Village of Sutton. The development site has frontage to the Federal Highway which is a classified 'state' road, Sutton Road which is a classified 'regional' road and the Old Federal Highway and Guise Street which are both classed as local roads.

The submitted documentation includes a Statement of Environmental Effects prepared by Planned Consulting dated December 2020 and a Traffic Impact Assessment (TIA) prepared by John Randall Consulting dated December 2020. The proposal includes the creation of an internal road network with two new intersections to Guise Street. The submitted documentation includes a new fire trail between the internal road network and Old Federal Highway which will have restricted access during times of emergency only (via heavy duty gates at either end).

The submitted documentation indicates that vehicular access for all proposed allotments is proposed to the local road network. This is consistent with the provisions of SEPP (Infrastructure). For road safety reasons any proposed allotments with a common boundary to Sutton Road and the Federal Highway shall be denied from having direct vehicular and/or pedestrian access to/from the road reserve. This is to be addressed in the covenants applicable to all allotments that have frontage to Sutton Road. Pedestrian access is denied as it may promote the parking of vehicles along the frontage of these allotments to these roads. As the frontages to these roads is not treated with kerb and gutter, the parking of vehicles along the carriageway will impact on the roadside area and edge of seal of the carriageway.

For visual and amenity reasons and to minimise distraction of the travelling public along Sutton Road by development on the site, consideration should be given to the requirement for the establishment and maintenance of a landscaped buffer area along the frontage of the site to Sutton Road. The landscape buffer is maintained within one allotment for ease of ongoing maintenance.

The TIA demonstrates that a significant proportion of trips from this site will be towards the south via the intersection of Sutton Road and the Federal Highway. This is due to the location of the development site relative to Canberra and the surrounding road network. To accommodate the additional traffic generation the intersection of Guise Street and Sutton Road is to be constructed

Transport for NSW

193-195 Morgan Street Wagga Wagga NSW 2650 | PO Box 484, Wagga Wagga NSW 2650
W transport.nsw.gov.au | ABN 18 804 239 602

to provide a Channelised Right Turn -Short (CHR(s)) and Basic Left Turn (BAL) treatment. The design vehicle for this intersection should be based on the largest vehicle likely to access the proposed subdivision.

Transport for NSW encourages the integration of subdivisions with adjoining subdivisions to minimise the need to access the arterial road network. The subdivision pattern does provide for road connectivity to integrate with adjoining land to the north. Options for integration should also include pedestrian and cycleway networks and not be limited to road networks only.

A major focus of Transport for NSW is the safety and efficiency of the classified road network and the level of service provided by these roads and their associated infrastructure. As the subject site has access to Sutton Road within a 100 km/h speed zone the following conditions are proposed for road safety reasons.

Transport for NSW has assessed the Development Application based on the documentation provided and would raise no objection to the development proposal subject to the Consent Authority ensuring that the development is undertaken in accordance with the information submitted as amended by the inclusion of the following as conditions of consent (if approved):-

1. Vehicular and pedestrian access directly to Sutton Road and the Federal Highway for all proposed allotments with frontage to either of those roads is denied. A covenant to this effect shall be created, with the Council empowered to uplift, over those allotments.
2. The proposed emergency access to the Old Federal Highway shall be restricted to access for authorised emergency purposes only. The gate shall remain closed with appropriate measures implemented to provide for emergency access.
3. As a minimum the intersection of Guise Street with Sutton Road shall be constructed and the roadside maintained so as to provide the required Sight Distance criteria for an intersection in accordance with the Austroads Publications as amended by Transport for NSW supplements for the posted speed limit.
4. As a minimum the intersection of Guise Street with Sutton Road shall be constructed to provide a sealed Channelised Right Turn-Short (CHR(s)) and Basic Left Turn (BAL) treatment. The intersection design shall be in accordance with the Austroads Publications as amended by Transport for NSW supplements for the posted speed limit.
5. Any new intersection with Guise Street or driveway access to any allotment with frontage to Guise Street shall be located a minimum of 20 metres from the carriageway of the Sutton Road.
6. Landscaping and fencing shall be established and maintained within the subject site for its frontage to the Sutton Road to a standard to provide a visual screen from the carriageway of Sutton Road. A vegetated buffer at least 10 metres wide and planted with a variety of endemic species and growing to a mature height of up to 5 metres is to be established and maintained between the road reserve of Sutton Road and the proposed allotments.
7. Prior to the release of the plan of survey any existing vehicular access points or gates to the road reserve of Sutton Road or the Federal Highway shall be removed and the road reserve reinstated to match surrounding roadside landform in accordance with Council requirements.
8. Suitable drainage treatment is to be implemented within the development site to retard any increased storm water run-off from the development site to the road reserve of the Sutton Road.

9. The intersection of Guise Street with Sutton Road shall be designed and constructed to prevent water from proceeding onto, or ponding within, the carriageway. Any culvert located within the clear zone of the Sutton Road for the posted speed limit shall be constructed with a traversable type headwall.
10. Detailed design plans for any proposed works, or works required by a condition of consent, within the road reserve of a classified road are to be submitted to Transport for NSW prior to the commencement of such works. The design and specifications for these works must be completed and certified by an appropriately qualified person.
11. Prior to works commencing within the road reserve the applicant must apply for and obtain approval under Section 138 of the Roads Act, 1993 from the road authority (Council) and concurrence from Transport for NSW. The developer is responsible for all public utility adjustment/relocation works, necessitated by the proposed works and as required by the various public utility authorities and/or their agents.
12. Any works associated with the proposed development shall be at no cost to Transport for NSW.

The following comments are provided to Council for consideration in its assessment of the development proposal;

- The internal road network and roadside environment should be designed, constructed and maintained to provide a safe environment for road users and to encourage compliance with the desired speed limit within the subdivision in accordance with the NSW speed zoning guidelines.
- The subdivision should be designed and staged to provide for alternative routes for vehicular access to allow for distribution of traffic and alternative means of access for emergency vehicles.
- The internal road network is to provide for ease of access for larger vehicles such as public transport, service and construction vehicles (eg Garbage trucks, delivery trucks). Bus stop facilities are to be provided within the estate for the convenience of the user in accordance with relevant guidelines.
- Transport for NSW encourages the provision of facilities to provide for alternative means of travel to the motor vehicle. Facilities are required to be extended to and provided through the subdivision for the safe and effective movement of pedestrians and cyclists to facilities such as nearby schools, sporting and shopping facilities.-

Please be advised that under the provisions of the Environmental Planning & Assessment Act it is the responsibility of the Consent Authority to assess the environmental implications, and notify potentially affected persons, of any development including conditions.

Any enquiries regarding this correspondence may be referred to Cam O'Kane - TfNSW (South Region), phone (02) 6923 6582. **Please forward a copy of the Notice of Determination for this Development Application to the Land Use -Transport for NSW at the same time as advising the applicant.**

Yours faithfully



Maurice Morgan
Team Leader, Development Services South



General Manager
Yass Valley Council
[Redacted]

Contact Simone Tonkin

Phone [Redacted]

Email [Redacted]

Our ref IDAS1122061

Your ref DA 200273 CNR 17204

5 March 2021

Attention: Kate Baker

Dear Sir,

**RE: Development Application 200273 – 67 Lot Community Title Subdivision Lot 5
DP 838497 2090 Sutton Road, Sutton**

I refer to the above mentioned development application referred to WaterNSW.

WaterNSW has reviewed the information submitted with the application for the 67 Lot Community Title Subdivision and considers that for the purposes of the Water Management Act 2000, no further investigation is required by this agency.

It is noted that the developer has a "concept only" plan for proposed bores to supply the 67 Lot Community Title Subdivision. The developer will undertake further investigation when the development consent for the Subdivision has been granted. The developer should be aware that approval under the Water Management Act would be required for such works and approval is not guaranteed.

Please feel free to contact me on [Redacted] should you require any further information.

Yours sincerely



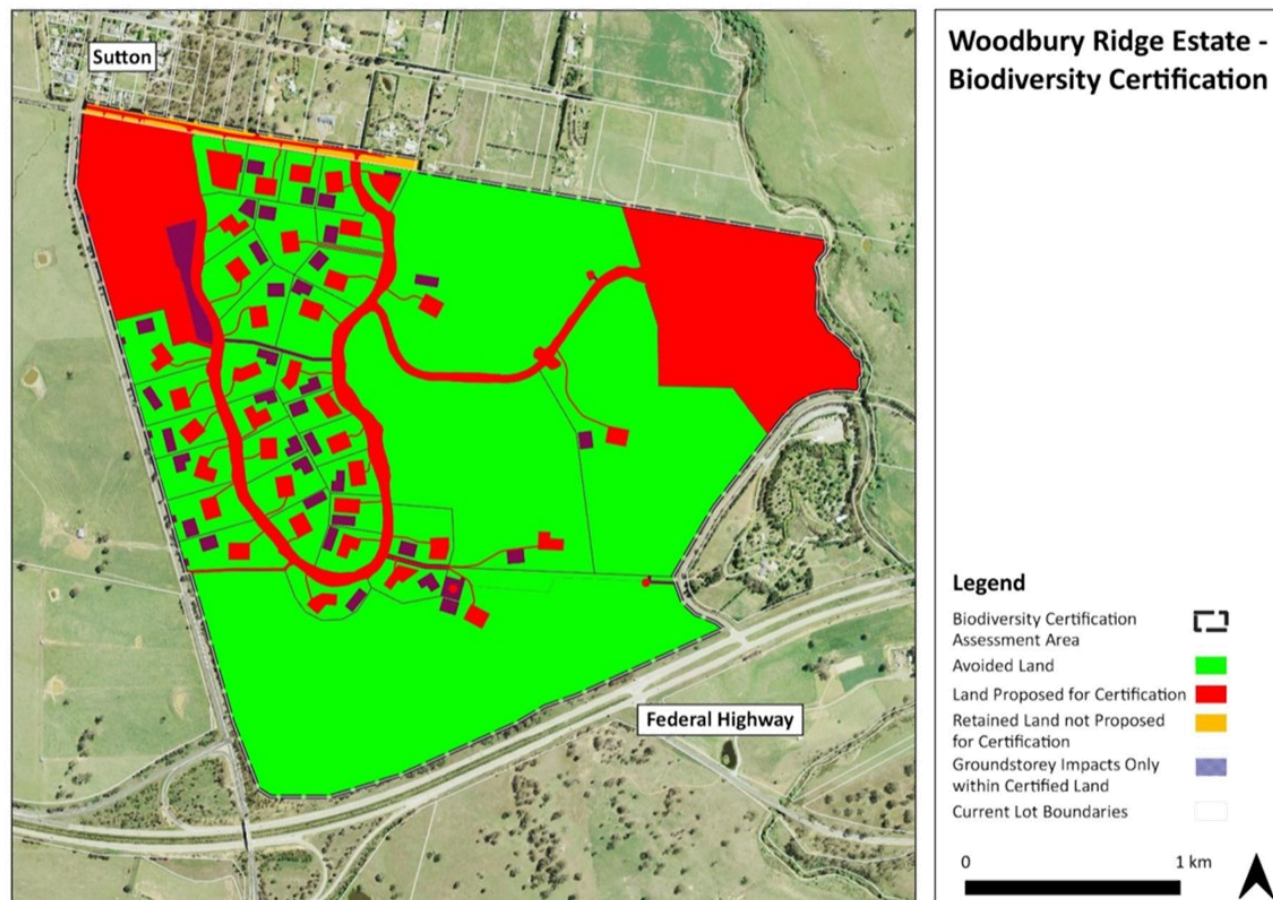
Simone Tonkin
Water Regulation Officer

8-20 Edwardes Street, Deniliquin | PO Box 453 Deniliquin NSW 2710

t 1300 662 077 | www.waternsw.com.au

Schedule 2 – Maps of the Woodbury Ridge Estate Biodiversity Certification

Schedule 2A



Section 4.15 Evaluation

Summary of Application

Type of Development	Integrated
Development Site	Lot 1 DP 1272209, 2090 Sutton Road, Sutton
Description of Development	66 lot community title subdivision. Specific details of the proposed development are outlined in section 4 of the report to Council.

Integrated Development

The application has been referred to the relevant government agency for concurrence and General Terms of Approval have been included in the development consent.

Legislation	Yes	No	N/A
Coal Mine Subsidence Compensation Act 2017 s 22	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fisheries Management Act 1994 s 144, S201 S205, S219,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Heritage Act 1977 s 58	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mining Act 1992 ss 63, 64	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
National Parks and Wildlife Act 1974 s 90	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Petroleum (Onshore) Act 1991 s 16	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Protection of the Environment Operations Act 1997 ss 43(a), 47 and 55, ss 43(b), 48 and 55, ss 43(d), 55 and 122	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Roads Act 1993 s 138	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rural Fires Act 1997 s 100B	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water Management Act 2000 ss 89, 90, 91	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comment

Pursuant to section 4.46 of the *Environmental Planning and Assessment Act 1979*, the proposed development is integrated development. The application was referred to the relevant NSW government agency for approval. Details for each referral are outlined in sections 6.7, 6.5 and 6.4 respectively of the report to Council. Conditions have been included in the draft consent as required by each state agency.

Section 4.15 – Evaluation

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument

Primary Matters	Specific Consideration
State Environmental Planning Policy (SEPP)	<p>Where a SEPP is applicable to the proposed development it:</p> <ul style="list-style-type: none"> • is consistent with the aims and objectives of the policy • generally complies with development standards contained in the policy • generally satisfies the requirements of the policy • meets the relevant concurrence, consultation and/or referral requirements.

Comment

The application was lodged prior to the consolidation of SEPPs, coming into effect on 2 March 2022. Reference is made to the former SEPP and the new SEPP, in which the former SEPP is now located.

State Environmental Planning Policy (Koala Protection) 2019

Refer Chapter 4 of State Environmental Planning Policy (Biodiversity and Conservation) 2021

The SEPP applies to the subject site and accordingly the Biodiversity Certification Assessment Report (BCAR) assessed the development under the provisions of the SEPP and the following points were noted:

- The subject land has an area of greater than 1ha and there is no approved Koala Plan Management.
- The subject land supports a number of the tree species listed in Schedule 2 of the SEPP and therefore the subject land supports 'potential koala habitat'.
- There are no recent records of koalas in the locality, with the most recent being from 2005. This koala record is approximately 4.5 km to the east of the development site and is separated from the subject land by the Federal Highway and expanses of cleared farmland. In general, koalas are not known to occur in the lowland agricultural lands of the Yass Valley Council.

On this basis, it is concluded that the development site is considered unlikely to constitute important or occupied koala habitat.

State Environmental Planning Policy No. 55 – Remediation of Land

Refer Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021

A preliminary site investigation was undertaken by Murang Earth Sciences (dated 25 May 2018) which identified several Areas of Environmental Concern (AEC) (i.e. areas of contamination), however concluded that the level of contamination was not to the extent which would prevent the use of the site for residential purposes. In this regard, conditions have been included in the draft consent which require a detailed investigation to be undertaken, appropriate remediation works to be completed and a Site Audit Report to be submitted to Council, prior to the issue of a Subdivision Works Certificate (SWC). Compliance with conditions of consent will ensure the site is suitable for the proposed residential use.

State Environmental Planning Policy No. 64 – Advertising and Signage

Refer Chapter 3 of State Environmental Planning Policy (Industry and Employment) 2021

Signage is proposed at the entry to the estate which is not 'exempt' development and therefore, must be assessed against the criteria prescribed by Schedule 5 of the SEPP. A condition has been included in the draft

consent which requires details of the signage and an assessment under the provisions of Schedule 1, prior to the issue of a SWC.

State Environmental Planning Policy (Infrastructure) 2007

Refer Chapter 2 of SEPP (Transport and Infrastructure) 2021

The development site has frontage to the Federal Highway which is a classified 'state' road and Sutton Road which is a classified 'regional' road. The Old Federal Highway and Guise Street are both 'local' roads.

Schedule 3 of the SEPP identifies 'traffic-generating' development that requires referral to Transport for NSW (TfNSW). The development does not meet the requirements for referral to TfNSW however the application was referred to them as detailed in section 6.7 of the report to Council.

State Environmental Planning Policy (State and Regional Development) 2011

Refer Chapter 2 of State Environmental Planning Policy (Planning Systems) 2021

Schedule 6 of the SEPP provides criteria for regionally significant development, which includes (as relevant to the development) 'development that has a capital investment value of more than \$30 million.' The cost of works is \$7.6 million and therefore the development is not regionally significant development for the purposes of the SEPP.

Local Environmental Plan (LEP)	<p>An assessment against the relevant provisions of the <i>Yass Valley Local Environmental Plan 2013</i> has found that the proposed development:</p> <ul style="list-style-type: none"> • is consistent with the aims and objectives of the plan • is consistent with the aims and objectives of the land use zone • is permissible in the land use zone • generally complies with all relevant clauses within the LEP. Where explanation is required it has been included in the assessment notes below. • complies with development standards in the LEP • where a variation to a development standard is proposed it was accompanied by a written request from the applicant which has adequately addressed the matters required to be addressed by Clause 4.6
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Comment

Below is an assessment of the application pursuant to the relevant clauses of the *Yass Valley Local Environmental Plan 2013 (YVLEP)*

Clause 2.3 Zone & zone objectives	<p>The land is zoned RU5 Village, R5 Large Lot Residential, C3 Environmental Management (<i>formerly E3 Environmental Management</i>) and is generally consistent with the objectives of each zone and explained below.</p> <p><u>RU5 Village</u></p> <ul style="list-style-type: none"> - The proposed development will create lots which vary in size, providing additional housing opportunities within the Sutton village. - There is opportunity for land uses which are permitted with consent under the YVLEP to be undertaken on the proposed lots, to provide facilities and services to meet the needs of existing and future residents. - The resulting density, particularly in the RU5 portion of the development site, is not inconsistent with character of Sutton. - The proposed lots are conducive to development that is compatible with the existing character of Sutton (i.e. single storey detached dwellings and ancillary outbuildings).
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	<ul style="list-style-type: none"> - A suitably sized rainwater tank must be installed for each new dwelling constructed in accordance with Council's policy. - A communal bore water supply is to be investigated by the developer upon approval of the development. - Effluent management zones are specified on each proposed lot, ensuring there is adequate opportunity for the disposal of sewage on site. <p><u>R5 Large Lot Residential</u></p> <ul style="list-style-type: none"> - The development has been designed to allow the development of each lot, primarily for residential purposes, whilst having minimal impact on the biodiversity values of the site (i.e. building envelopes and effluent management zones). - Future development of each lot will be located such that the scenic qualities of the site will be maintained. - The development provides a transition from smaller lots, close the existing village, to larger rural residential style lots and therefore, does not hinder the future development of an 'urban' area. - The development is not considered to place an unreasonable demand on existing public services or facilities in the area. In this regard, increased demand will be placed on public roads, however these are required to be upgraded to meet the demands of the development (i.e. Sutton Road/Guise Street intersection and the entire length of Guise Street). - Land uses are permitted subject to the YVLEP and potential and use conflicts must be assessed upon lodgement of each development application. <p><u>C3 Environmental Management</u></p> <ul style="list-style-type: none"> - The Biodiversity Certification conferred on the site will ensure the protection, management and enhancement of the ecological values of the site. - Compliance with conditions of consent will ensure future development avoids impact on Potential Archaeological Deposits (PADs). - The future use of each lot is subject to the YVLEP and any application lodged will be assessed for its suitability for the site.
Clause 2.3 Land Use Table	N/A
Clause 2.6 Subdivision consent requirements	The applicant has sought consent for the proposed subdivision.
Clause 4.1 Minimum subdivision lot size	N/A
Clause 4.1AA Minimum subdivision lot size for community title schemes	<ul style="list-style-type: none"> - This clause is applicable to the RU5 Village zone and the C3 Environmental Management zone - Lots created must meet the prescribed minimum lot size as detailed below - The 'community' lot can be less than minimum lot size as per sub-clause 3 of this clause

	<p><u>RUS Village</u></p> <ul style="list-style-type: none"> - All lots (lots 2-20) in Draft Deposited Plan exceed 5,000m² minimum lot size - 187m² lot (Telstra pit in Lot 10) is less than the minimum lot size however is permitted by sub-clause 3 as it comprises 'association property'. <p><u>C3 Environmental Management</u></p> <ul style="list-style-type: none"> - Lots 54, 30 and 66 in draft DP exceed 20ha minimum lot size - Lot 67 in draft DP exceeds the 40ha minimum lot size - 1,271m² lot comprising fire trail on northern boundary of lot 67 is less than the 40ha minimum lot size, however permitted by sub-clause 3 as it comprises 'association property'.
Clause 4.1A Minimum subdivision lot size for strata plan schemes in certain rural, residential and environment protection zones	N/A
Clause 4.1B Subdivision using average lot sizes	N/A
Clause 4.1C Additional requirements for subdivision in certain rural zones	N/A
Clause 4.1D Minimum site areas for dual occupancies and multi dwelling housing in Zones R1, R2, R3 and RU5	N/A
Clause 4.2B Erection of dwelling houses and dual occupancies on land in certain rural and environment protection zones	N/A
Clause 4.3 Height of buildings	N/A
Clause 4.4 Floor space ratio	N/A
Clause 4.6 Exceptions to development standards	N/A
Clause 5.4 Controls relating to miscellaneous permissible uses	N/A
Clause 5.10 Heritage conservation	N/A
Clause 5.16	The proposed lots in the R5 Large Lot Residential zone and the C3 Environmental Management zone are conducive to land uses that

Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones	are compatible with existing uses in the vicinity of the development site.
Clause 5.21 Flood Planning	<p>Part of the site is identified as being flood prone. Conditions in the draft consent require:</p> <ul style="list-style-type: none"> - Details of compliance with applicable flood planning controls to be submitted to Council for approval, including finished floor levels for flood affected lots. - The finished floor levels are to be included in a Restriction to User to ensure future development is compatible with the flood risk of each proposed lot. <p>To this end, it is considered that the proposed development is compatible with the flood risk of the land.</p> <p>Refer section 7.7 of the report to Council for further comments.</p>
Clause 6.1 Earthworks	<p>Earthworks are required for civil works, including the construction of new roads. Conditions in the draft consent will require engineering drawings to be provided prior to the issue of a SWC to ensure all civil works are undertaken with minimal impact on drainage patterns, soil stability, neighbouring properties and waterways.</p> <p>A condition in the draft consent requires a Construction Environmental Management Plan (CEMP) to be submitted to Council which details proposed sediment and erosion controls to manage the movement and erosion of soil. A further condition will require these measures to be implemented prior to works commencing and to be maintained at all times, to the satisfaction of Council.</p> <p>The earthworks associated with the proposed development are necessary as part of the proposed subdivision and as such the development is considered to satisfy the objectives of clause 6.1 of the YVLEP.</p>
Clause 6.3 Terrestrial biodiversity	<p>The site is identified as containing 'biodiversity'.</p> <p>The development has been designed in response to ecological values identified by surveys undertaken for the planning proposal and in the preparation for the BCAR. The land use zones and proposed roads and building envelopes have been sited to avoid impacts on the identified values.</p> <p>Implementation of the Order and Biodiversity Certification Agreement (i.e. registration of a Biodiversity Management Plan over each proposed lot), applicable to the site, will ensure the long term management and enhancement of the identified values.</p> <p>In this regard, the proposed development to satisfy the objectives of clause 6.3 of the YVLEP.</p> <p>Further details in relation to biodiversity are provided in section 6.1 of the report to Council and the BCAR dated 1 November 2021.</p>

<p>Clause 6.4 Groundwater vulnerability</p>	<p>A small portion of the site is identified as being subject to 'groundwater vulnerability'.</p> <p>In this regard, a Land Capability Assessment report prepared by Franklin Consulting Australia Pty Ltd (Version 2, 11 December 2020), recommends effluent management zones (EMZ) are created over each proposed lot, in which on-site effluent disposal systems and associated irrigation areas must be located. The EMZ will ensure minimum buffer distances to watercourses and bores can be achieved.</p> <p>The report also specifies that secondary treatment systems, including disinfection, must be installed within 'special' EMZ, to achieve a higher level of treatment of effluent, and that the systems must be fixed so as to not allow movement outside of the EMZs.</p> <p>All of the above measures will be implemented through conditions of consent and are considered to minimise risk to groundwater contamination.</p> <p>A bore is proposed, however is subject to further investigation upon approval of the development. Conditions included in the draft consent require that appropriate approvals are obtained from WaterNSW and that a Communal Water Management Statement is prepared which limits the annual use of water in accordance with licencing requirements. In this regard, the impact of the proposed water extraction will be controlled by WaterNSW.</p> <p>Based on the above comments, the development is considered to satisfy the objectives and requirements of clause 6.4 of the YVLEP.</p>
<p>Clause 6.5 Riparian land and watercourses</p>	<p>The site has frontage to the Yass River. In accordance with clause 6.13, a single lot containing the riparian corridor is proposed. This lot will form part of community association property.</p> <p>It is proposed to undertake rehabilitation works within this lot to enhance the river corridor, comprising weed removal, bank stabilisation and planting of native species and to manage the riparian corridor in perpetuity. This will be set out in a Riparian Management Plan, which is to be included in the Community Management Statement, applicable to each proposed lot.</p> <p>A Controlled Activity Approval (CAA) is required to be obtained from Natural Resources Access Regulator (NRAR) prior to works commencing. This will require the applicant to demonstrate that the proposed development and associated works will not have an adverse impact on the riparian corridor.</p> <p>In this regard, it is considered that the development satisfies the objectives of clause 6.5 of the YVLEP.</p>
<p>Clause 6.6 Salinity</p>	<p>N/A</p>
<p>Clause 6.7 Highly erodible soils</p>	<p>N/A</p>

<p>Clause 6.8 Essential services</p>	<p>The consent authority must be satisfied that services which are essential for the development are available or that adequate arrangements have been made to make them available when required. In this regard, the following should be noted:</p> <ul style="list-style-type: none"> a. A condition of consent will require that a Restriction to User is created over each lot, requiring the installation of a 45,000L rainwater tank for dwellings with floor area less than 150m² and 90,000L rainwater tanks for dwellings with a floor area greater than 150m². This is in accordance with Council's <i>Water Supply for Rural Areas and Villages Policy</i>. b. The development will be serviced by a reticulated network of underground electrical and telecommunication infrastructure. Each lot will be serviced via infrastructure located in a common services trench in the adjoining verge. The development will also require the installation of an underground to overhead connection (requiring trenching across Sutton Road) and five pad mount substations. Conditions of consent will require compliance with Council's <i>Provision of Electricity Supply and Telecommunications Service for Subdivisions Policy</i>. c. A land capability assessment has demonstrated that each lot can suitably accommodate an onsite effluent disposal system. This will be achieved through the implementation of EMZ and associated Restrictions which prescribe the type of system to be installed. d. Stormwater drainage can be managed and will be subject to civil design as part of the SWC application. e. The public road network is to be extended to provide access within the development site. All new lots will have legal and physical access to the public road network. Roads and accesses are to be constructed in accordance with Council's <i>Road Standards Policy RD-POL-9</i> and will be subject to civil design as part of the SWC application. f. Refer to (b) above for details of proposed telecommunication service. <p>Conditions of consent will ensure that all essential services will be made available to service the development.</p>
<p>Clause 6.9 Development within a designated buffer area</p>	<p>N/A</p>
<p>Clause 6.10 Development on land intended to be acquired for Barton Highway duplication</p>	<p>N/A</p>
<p>Clause 6.13 Development on certain land in Sutton in Zone R5 Large Lot Residential</p>	<p>Despite clause 4.1AA of the YVLEP, this clause applies to the R5 Large Lot Residential zone.</p> <p>The proposed development meets the requirements of the clause as outlined below:</p>

	<ul style="list-style-type: none"> - <i>1.5ha average</i> – 1.5ha average proposed including the community lot (refer Doc 487216 for calculation) - <i>5,000m² minimum</i> - all lots exceed 5,000m² including the community lot (23,124m²). - <i>2.5ha maximum</i> - All lots less than 2.5ha including the community lot (2.3ha) - <i>Access from Guise Street</i> - All lots accessed off Guise Street via internal road network. - <i>All land adjoining Yass River to be retained in one lot</i> - Single lot proposed (part of community lot)
Other relevant clause	N/A

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

Primary Matters	Specific Consideration
Draft State Environmental Planning Policy	<p>Where a draft SEPP is applicable to the proposed development it:</p> <ul style="list-style-type: none"> • is consistent with the aims and objectives of the draft policy • complies with development standards contained in the draft policy • general satisfies the requirements of the draft policy • generally meets the relevant concurrence, consultation or referral requirements to address the provisions of the draft policy.
<p>Comment</p> <p>There are not draft SEPPs which require further discussion.</p>	
Draft Local Environmental Plan	<p>Where a draft LEP is applicable to the proposed development it:</p> <ul style="list-style-type: none"> • is the proposal consistent with the aims and objectives of the draft plan • is consistent with the aims and objectives of the land use zone • is permissible in the land use zone • generally complies with all relevant clauses within the draft LEP • complies with development standards in the draft LEP • Where a 4.6 variation is proposed it has been supported in the draft LEP – Details are included in the comments below.
<p>Comment</p> <p>A draft LEP is not applicable to the site</p>	

(iii) any development control plan

Primary Matters	Specific Consideration
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Development Control Plan (DCP)	<p>Where a DCP is applicable to the development it:</p> <ul style="list-style-type: none"> • is consistent with the aims and objectives of the plan • satisfies the requirements of the DCP • complies with development standards in the DCP • meets all relevant concurrence, consultation, referral requirements in the DCP.
<p>Comment</p> <p>No DCP applies to this development.</p>	
Contributions Plans	<p>The Yass Valley Developer Contribution Plan 2018 (s7.12) has been considered and where applicable a developer contribution has been applied to the development.</p> <p>The Yass Valley Heavy Haulage Contribution Plan 2006 (s.7.11) has been considered and where applicable a developer contribution has been applied to the development.</p>
<p>Comment</p> <p>Anticipated cost of undertaking the development exceeds \$100,000 and therefore a s.7.12 development contribution will be payable prior to the issue of a Subdivision Certificate. Appropriate condition of consent is included in the draft consent.</p>	

(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

Primary Matters	Specific Consideration
Planning Agreement	Under s.7.4 EP&A Act, no planning agreement is applicable to the development.

(iv) the regulations

Primary Matters	Specific Consideration
Environmental Planning and Assessment Regulation 2000	<p>The <i>Environmental Planning and Assessment Regulation 2000</i> has been considered and where relevant it:</p> <ul style="list-style-type: none"> • complies with AS 2601 when demolition is involved • complies with the Category 1 fire safety provisions if a change of building use is involved • has provision for compliance with the Building Code of Australia as amended if an building upgrade required • has been accompanied by a compliant BASIX certificate where the development is BASIX affected.
<p>Comment</p> <p>Building work is required to erect the entry signage and components of the community park (e.g. play equipment and BBQ structure). Conditions included in the draft consent require details of all building works to be submitted prior to the issue of a SWC and that critical stage inspections must be undertaken by the Principal Certifier.</p>	

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Primary Matters	Specific Consideration
Context and setting	<p><u>Context</u></p> <p>The development is compatible with the:</p> <ul style="list-style-type: none"> • scenic qualities and features of the landscape • character and amenity of the locality and streetscape • scale (bulk, height, mass) form, character, density and design of development in the locality • previous existing land uses and activities in the locality <p><u>Setting</u></p> <p>The development is unlikely to have a significant impact on adjacent properties in terms of:</p> <ul style="list-style-type: none"> • the relationship and compatibility of adjacent land uses • sunlight access (overshadowing) • visual and acoustic privacy • views and vistas • edge conditions such as boundary treatments and fencing
<p><u>Comment</u></p> <p>The proposed development will create additional rural, rural residential and residential lots. The land uses associated with the future use of these lots are likely to be residential. The proposed lot sizes and future use of the lots are consistent and compatible with the existing development in the locality.</p> <p>The proposed development has been designed in response to identified ecological values and is therefore not considered to have a significant adverse impact on the quality and features of the landscape. Development on each lot will be subject to future applications, however generally there is opportunity for this to be of a form which is compatible with the locality and the nearby existing development. The subdivision is not considered to have a significant impact on adjacent development by way of views.</p> <p>The lot sizes and layout of proposed building envelopes provides adequate opportunity for development on each lot to achieve appropriate solar access and orientation. Separation from development on adjoining lots ensures that there will be no overshadowing impacts.</p>	
Access, transport and traffic	<p>An assessment of access, transport and traffic impacts found (as relevant to the development):</p> <ul style="list-style-type: none"> • The existing road network is capable of supporting the proposed development • The proposed development complies with Council's Roads Standards Policy • The volume of traffic generated as a result of the proposed development is unlikely to exceed the capacity of the local and arterial road network • Public transport is available • A traffic management study was either not required to support the proposed development or was submitted and was considered satisfactory • An adequate number of vehicle parking spaces have been provided • On site car parking has provisions for compliance with relevant standards • The proposed or existing location of vehicular access to the site is considered satisfactory

	Suitable conditions of consent have been included in the consent as required.
<p>Comment</p> <p>TfNSW raised no objections to the proposal subject to the inclusion of conditions in any consent issued. Detail is provided in section 6.7 of the report to Council.</p> <p>Conditions in the draft consent will ensure all roads, accesses and associated infrastructure comply with Council's Road Standards Policy RD-POL-9, or where applicable, detailed design drawings submitted to Council as part of the SWC application.</p>	
Utilities	<p>The demands of the development are unlikely to have an adverse impact on utility supply as:</p> <ul style="list-style-type: none"> adequate utilities are either existing and capable of supporting the proposed development or capable of being extended to service the site where onsite sewage management is proposed it has been accompanied by a report prepared by an appropriate consultant demonstrating the suitability of the site for on-site effluent disposal
<p>Comment</p> <p>Refer to the assessment above under the YVLEP regarding utilities.</p>	
Heritage	<p>The development is unlikely to have an adverse impact on the heritage significance of the site or adjacent properties in terms of:</p> <ul style="list-style-type: none"> its impact on items, landscapes, areas, places, relics and practices the historic, scientific, social, aesthetic, cultural, archaeological (both Aboriginal and non-Aboriginal) values of the site <p>As required a statement of design intent, heritage study, conservation management plan or statement of heritage impact has been submitted in support of the application.</p> <p>A due diligence assessment has been undertaken to establish the likelihood of aboriginal objects and areas of cultural heritage. Where required additional assessment has been undertaken by a person suitably experienced in identifying objects and areas of significance. Subsequent outcomes have been treated appropriately and suitable conditions been included in the development consent.</p>
<p>Comment</p> <p>The subject land is not identified as being or containing a heritage item or in a heritage conservation area under the provisions of the YVLEP. The proposed development is not considered to have any impact on European heritage.</p> <p>In relation to aboriginal cultural heritage, the Statement of Environmental Effects which accompanied the development application makes the following statement:</p> <p><i>As part of the Planning Proposal process, Eco Logical Australia Pty Ltd (ELA) was engaged to provide advice under the 'Due Diligence Code of Practice for the Protection of Aboriginal Objects' to understand whether future development would have the potential to harm Aboriginal objects or values protected under the National Parks and Wildlife Act 1974. ELA identified an area along the frontage to the Yass River as being archaeologically sensitive and requiring detailed assessment to determine any impact.</i></p> <p><i>As part of the preparation of [the subject] DA, Past Traces Heritage Consultants were engaged to provide supplementary advice and investigation of the identified sensitive area – defined as being 200m from the Yass River frontage. This area forms part of the proposed development and covers an area of approximately 8 – 10 hectares. The Past Traces supplementary assessment concluded the following:</i></p>	

- *The development proposal should be able to proceed with no additional archaeological investigations. No areas of potential archaeological deposits (PADs) or heritage sites have been identified within the development footprint area and the potential for Aboriginal or historical heritage objects within the development footprint area has been assessed as low.*
- *Two (2) areas of PAD are identified within the project boundary, which will not be impacted by the development proposed. PAD areas must not be impacted by any development. If, in the future, it is proposed to impact these areas, further investigations will be required, consisting of subsurface testing. Alternatively, the Proponent could undertake these further works prior to selling to determine if heritage sites are present in these two locations*

In this regard, conditions included in the draft consent will require the following:

- A revised site plan is submitted indicating lot boundaries avoid the identified PADs.
- A restriction is created over relevant lots which stipulate that the PAD must not be impacted, unless further investigation is undertaken.

Conditions included in the draft consent also ensure that in the unlikely event that Aboriginal objects are found, works are to immediately cease and Heritage NSW contacted for further guidance.

Water	<p>The development is unlikely to have an adverse impact on the conservation of water resources and the water cycle in terms of:</p> <ul style="list-style-type: none"> • water supply sources • treatment, reuse and disposal of waste water and runoff • drainage, flow regimes, flooding on-site, up and downstream and in the catchment flood plain • groundwater tables
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Comment

- Rainwater tanks are to be the source of water supply for each lot.
- An onsite effluent capability assessment has demonstrated that each lot can suitably accommodate an onsite effluent disposal system.
- Refer to section 7.7 of the report to Council for details in relation to stormwater and flooding.

Soils	<p>The development is unlikely to have an adverse impact on soil conservation in terms of:</p> <ul style="list-style-type: none"> • soil qualities - erodibility, permeability, expansion/contraction, fertility/productivity, salinity, sodicity, acidity, contaminants • instability - subsidence, slip, mass movement • the movement, formation, use and management of soils • soil erosion and degradation • remediation of contaminated soils
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Comment

Earthworks will be required for civil works, including the construction of the new roads. It is considered unlikely that the earthworks required will have a significant impact upon drainage patterns and soil stability as this is being appropriately addressed through the engineering design for stormwater drainage, nor will it reduce the future use of the land.

A condition in the draft consent requires a CEMP to be submitted to council which details proposed sediment and erosion controls, to manage the movement and erosion of soil. A further condition will require these measures to be implemented prior to works commencing.

In relation to potential contamination, refer to comments above addressing SEPP 55.

Air and Microclimate	<p>The development is unlikely to have an adverse impact on air quality and microclimatic conditions in terms of emissions of dust, particulates, odours, fumes, gases and pollutants.</p>
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<p><u>Comment</u></p> <p>Any emissions of dust, particulates, odours, fumes, gasses and pollutants will be primarily during construction works. These impacts can be managed through appropriate conditions of consent and compliance with all other relevant legislation.</p>	
<p>Flora and Fauna</p>	<p>The development is unlikely to have a significant impact on:</p> <ul style="list-style-type: none"> critical habitats; threatened species, pollutions, ecological communities or their habitats; and other protected species wilderness areas and national parks wildlife corridors and remnant vegetation the relationship of vegetation to soil erosion/stability and the water cycle weeds, feral animal activity, vermin and disease <p>An assessment under the provisions of the <i>Biodiversity Conservation Act 2016</i> has revealed proposed development:</p> <ul style="list-style-type: none"> will not result in serious and irreversible impacts did not trigger the submission of a BDAR or where a BDAR was required it has been assessed and is considered satisfactory with suitable condition being added to the development consent.
<p><u>Comment</u></p> <p>Refer to section 6.1 of the report to Council which details the Biodiversity Certification process and consequent outcomes for the development site.</p>	
<p>Waste</p>	<p>As relevant, the development will provide waste facilities and controls for:</p> <ul style="list-style-type: none"> solid, liquid and gaseous wastes and litter the generation, collection, storage and disposal of waste
<p><u>Comment</u></p> <p>A condition included in the draft consent requires that waste management is addressed in the CEMP, which must be submitted to council for approval.</p>	
<p>Energy</p>	<p>The proposed development has provision to incorporate responsible energy efficiency measures in terms of:</p> <ul style="list-style-type: none"> the overall energy needs of the development the measures employed to save energy - passive design, solar lighting and heating, natural ventilation, shading elements, insulation, high thermal mass building materials, energy efficient appliances and machinery the use of renewable and non-polluting energy sources? energy needs in producing building/structural materials? energy use by-products and waste <p>Where relevant the development also complies with the Building Sustainability Index (BASIX).</p>
<p><u>Comment</u></p> <p>Whilst this is a subdivision only, the nature of the lots mean that there is opportunity for dwellings to be located in a manner which achieves northern solar access. In addition, future dwelling houses will need to satisfy the Building Sustainability Index (BASIX) minimum requirements.</p>	

Noise and Vibration	<p>The proposed development is has potential to generate offensive noise pollution or vibration in terms of noise and vibration generated from the development during its construction.</p> <p>The developer is to employ suitable controls to manage such impacts on adjoining and surrounding properties.</p>
<p><u>Comment</u></p> <p>The proposed subdivision is creating additional lots, however the noise associated with residential development on each will be consistent with the existing background levels of the surrounding land uses.</p> <p>Any noise and vibration impacts will be associated with the subdivision construction works and then future dwelling constructions works. Although this impact cannot be mitigated due to the proximity of nearby sensitive land uses (dwellings), conditions of consent restricting hours of subdivision works can be used to appropriately manage the impact. Similar conditions will be imposed on any approvals for new dwellings.</p>	
Natural Hazards - Geologic	<p>Risks to people, property and the physical environment as a result of geologic/soil instability - subsidence, slip, mass movement has been considered and addressed through the submission of specialist reports and physical design features.</p>
<p><u>Comment</u></p> <p>Soil instability is not an issue which requires further consideration.</p> <p>Dams are proposed to be filled to create suitable building sites. Conditions in the draft consent require the volume of fill and proposed filling method to be submitted to council for approval, to ensure these areas are suitable for future residential development.</p>	
Natural Hazards - Flooding	<p>Risks to people, property and the physical environment as a result of flooding has been considered and was addressed though:</p> <ul style="list-style-type: none"> • Compliance with the relevant Flood Risk Management Plan in accordance with the information submitted with the application or • The addition of conditions which require compliance with the relevant Flood Risk Management Plan or the Building Code of Australia.
<p><u>Comment</u></p> <p>Refer to comments above addressing clause 5.21 of the YVLEP and section 7.7 of the report to Council.</p>	
Natural Hazards - Bushfire	<p>The development is not located on land identified as being bushfire prone.</p> <p>The development is located on bushfire prone land and is Integrated Development in accordance with s.4.46 EP&A Act.</p> <p>The development application was referred to the NSW Rural Service (RFS) in accordance with s.100B <i>Rural Fires Act 1997</i>. A Bush Fire Safety Authority was issued by the RFS and the general terms of approval are included in the consent.</p>
<p><u>Comment</u></p> <p>Refer to section 6.5 of the report to Council.</p>	
Technological Hazards	<p>The development is unlikely to present risks to people, property and the physical environment from:</p> <ul style="list-style-type: none"> • industrial and technological hazards • land contamination and remediation

	<p>Where potential land contamination has been identified an assessment has determined that:</p> <ul style="list-style-type: none"> • The contamination is likely to be low and does not warrant remediation as the proposed land use is not sensitive or • Specialist reports have found that the land is not contaminated or • Specialist reports have found the land to be contaminated and remediation is proposed prior to the proposed use <p>Where necessary suitable conditions have been included in the development consent.</p>
<p><u>Comment</u></p> <p>Refer to comments above addressing SEPP 55.</p>	
Safety, Security and Crime Prevention	<p>The development includes adequate measures to address the potential for accident/injury and criminal activity.</p> <p>The proposed development is considered to be low risk.</p> <p>Where necessary the application has been referred to the local police and or liquor licensing officer for comments which have been incorporated into the development consent.</p>
<p><u>Comment</u></p> <p>There are no matters which require further discussion.</p>	
Social impact in the locality	<p>The development is likely to have social benefits in the locality in terms of:</p> <ul style="list-style-type: none"> • community facilities and links • the interaction between the new development and the community
<p><u>Comment</u></p> <p>The proposed subdivision supports the provision of housing needs in a low density rural residential setting.</p>	
Economic impact in the locality	<p>The development is likely to have economic benefits in terms of:</p> <ul style="list-style-type: none"> • employment generation • economic income • generating benefits for existing and future businesses
<p><u>Comment</u></p> <p>The construction phase of the development will generate income and employment opportunities (e.g. civil contractors).</p> <p>The future occupation of the development will also generate income and employment opportunities for businesses associated with residential construction and development.</p> <p>Increased residents in the Yass Valley will contribute to the local economy.</p>	
Site and internal design	<p>The development is generally sensitive to environmental conditions and site attributes including:</p> <ul style="list-style-type: none"> • the size, shape and design of allotments, easements and roads • the proportion of the site covered by buildings • the positioning of buildings • the size (bulk, height, mass), form, appearance and design of buildings

	<ul style="list-style-type: none"> the amount, location, design, use and management of private and communal open space landscaping <p>The development is unlikely to affect the health and safety of the occupants in terms of:</p> <ul style="list-style-type: none"> inadequate lighting, ventilation and insulation inadequate building fire risk prevention and suppression inappropriate building materials and finishes inappropriate common wall structure and design lack of access and facilities for the disabled
<p>Comment</p> <p>The subdivision layout, including the location of proposed roads, building envelopes and EMZ, is in response to identified ecological values. It is demonstrated on the subdivision plans that that lots in the RU5 zone and in the eastern section of the R5 zone have adequate land area to allow future development which complies with minimum setback requirements.</p> <p>Lots within the subdivision provide adequate opportunity for construction of dwellings with solar access.</p>	
Construction	<ul style="list-style-type: none"> The proposed development has provision for compliance with the Building Code of Australia (as amended) and relevant Australian standards The impacts of construction activities can be managed and suitable conditions have been included in the development consent.
<p>Comment</p> <p>The proposed development does not involve the construction of any buildings for the purposes of the National Construction Code/Building Codes of Australia.</p> <p>Estate entry signage is proposed. A condition is included in the draft consent which requires any stone masonry walls to be constructed in accordance with <i>AS 3700:2018 Masonry Structures</i>.</p> <p>Details of the proposed park (e.g. play equipment, BBQ area etc.) are to be provided prior to issue of a SWC.</p> <p>Standard conditions of consent can be included to manage impacts of civil construction activities and are discussed elsewhere in this determination assessment (e.g. noise and waste).</p>	

(c) the suitability of the site for the development

Primary Matters	Specific Consideration
Compatibility with existing development in the locality	<p>The proposal is generally considered to be compatible with existing development in the locality as:</p> <ul style="list-style-type: none"> Utilities and services available to the site are adequate for the development The development will not lead to unmanageable transport demands Transport facilities are adequate in the area The locality contains adequate recreational opportunities and public spaces to meet the needs of the development The air quality and microclimate are appropriate for the development No hazardous land uses or activities nearby Ambient noise levels are suitable for the development The site is not critical to the water cycle in the catchment The proposal is compatible with the existing built environment

Comment

The proposed development will create additional low density residential lots. The land use associated with the future use of these lots are likely to be primarily residential. The proposed lot sizes and future use of the lots are consistent and compatible with the existing development in the locality.

The additional lots are not considered to result in an unmanageable demand for transport. This has been discussed elsewhere in this report and in the report to Council.

Adequate open space is proposed by way of a community park comprising play equipment, BBQ area, shade structure, setting, paths and landscaping.

Active transport will be encouraged by the construction of footpaths, linking the existing village to the new subdivision and internal to the subdivision, as well as the construction of an equestrian trail from Guise Street to the open space corridor along the Yass River.

Site conduciveness to the development	<p>The subject site is generally considered conducive with the proposed development as :</p> <ul style="list-style-type: none"> • The site is suitable for the proposed development • The site is either not subject to natural hazards including flooding, tidal inundation, subsidence, slip, mass movement, and bushfires or where it is these risks have been adequately managed • The slope of the land is suitable for the proposed development • The proposal is compatible with conserving the heritage significance of the site • The soil characteristics on the site is appropriate for development (Saline / Sodic / Acidic) • The development is compatible with protecting any critical habitats or threatened species, populations, ecological communities on the site • The site is not prime agricultural land and the development will not unduly prejudice future agricultural production • The development will not unduly prejudice the future use of the site • Cut and fill is a suitable development option for the site
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Comment

In relation to contamination, refer to comments addressing SEPP 55.

There is opportunity for dwelling houses to be constructed on each of the lots without requiring significant or unsuitable earthworks.

A Bushfire Safety Authority has been issued by the NSW Rural Fire Service – refer to discussion elsewhere in this assessment.

Compliance with conditions in the draft consent will ensure the proposed development is compatible with the flood risk of the land. Refer to comments addressing clause 5.21 of the YVLEP and section 7.7 of the report to Council.

The cultural heritage of the site will be protected by prohibiting impact on identified PADs.

The overall design of the development is in response to identified ecological values.

(d) Any submissions made in accordance with this Act of the regulations

Primary Matters	Specific Consideration
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Public Submissions	<p>An assessment of the proposed development under Council's Community Engagement Strategy has found it to be:</p> <ul style="list-style-type: none"> • consistent with the primary land use of the zoning • compliant with the requirements of the Yass Valley Local Environmental Plan • compliant with the requirements of or meet the objectives of any applicable Development Control Plan or planning policy • unlikely to have a significant impact on adjoining or opposite properties <p>Notwithstanding, surrounding landowners and other interested parties were notified of the development with submitted plans and supporting information made publically available for 14 days.</p> <p>Where submissions were received the issues raised have been considered as summarised in the comments below and where appropriate have been addressed through conditions of consent.</p>
<p>Comment</p> <p>Refer sections 5 and 7 of the report to Council.</p>	
Submissions from Public Authorities	<p>Where relevant submissions received from Government or Public Authorities have been considered with any issues raised being resolved, addressed by conditions of consent/general terms of approval or considered not relevant to the development</p>
<p>Comment</p> <p>Refer to section 6 of the report to Council for details of submissions sought or received from public authorities.</p>	

(e) the public interest

Primary Matters	Specific Consideration
Government (Federal, State and Local) and Community Interests	<p>Government and community interests have been considered and are satisfied as:</p> <ul style="list-style-type: none"> • The proposed development complies with the Council Policies identified as applicable in the <u>schedule below</u>. Where a variation to this policy has been supported details have been included in the comments. • The proposed development is generally consistent with any relevant planning studies and strategies • Covenants not imposed by council have been set aside for the purpose of this assessment • The proposal generally complies with all other covenants, easements, restrictions and agreements that have a bearing on the proposal • Issues raised in public meetings and inquiries have been considered. Where relevant more detail has been provided under the heading public submissions. • It is unlikely that the development will have a detrimental effect on the health and safety of the public
<p>Comment</p> <p>Council policies applicable to the proposed development are detailed below.</p> <p>Issues raised in the meeting of the Sutton and District Community Association have been considered in the assessment of the application.</p>	

	Policy	Code	Applicable	N/A
Council Policies	Building Line – Rural and Residential Land	DA-POL-8	✓	<input type="checkbox"/>
	Building Line - Urban	DA-POL-4	<input type="checkbox"/>	✓
	Building Over Sewer Mains	SEW-POL-1	<input type="checkbox"/>	✓
	Development Assessment and Decision Making	DA-POL-18	✓	<input type="checkbox"/>
	Holiday Cabins – Micalong Creek Subdivision	DA-POL-3	<input type="checkbox"/>	✓
	Kerb and Gutter Construction	ENG-POL-4	<input type="checkbox"/>	✓
	Non-Urban Fencing	DA-POL-12	✓	<input type="checkbox"/>
	Off-Street Car Parking	ENG-POL-8	<input type="checkbox"/>	✓
	Provision of Electricity Supply and Telecommunications Service for Subdivisions	DA-POL-17	✓	<input type="checkbox"/>
	Road Naming	RD-POL-6	✓	<input type="checkbox"/>
	Road Standards	RD-POL-9	✓	<input type="checkbox"/>
	Temporary Accommodation	DA-POL-2	<input type="checkbox"/>	<input type="checkbox"/>
	Truck and Transport Depots in Rural Areas	DA-POL-11	<input type="checkbox"/>	✓
	Water Supply in Rural Areas and Villages	WS-POL-2	✓	<input type="checkbox"/>

Comment

Building Line – Urban DA-POL-4

‘Building zones’ achieve minimum setback requirements. Refer to section 7.9.1 of the report to Council.

Building Line – Rural and Rural Residential Land DA-POL-8

Building ‘zones’ and ‘envelopes’ achieve minimum setback requirements except as outlined in section 7.9.2 of the report to Council. The proposed variations are proposed based on the justifications provided in the report to Council.

Development Assessment and Decision Making DA-POL-18

The Application is reported to a meeting of Council for determination as it received more than 3 submissions.

Non-Urban Fencing DA-POL-12

Conditions are included in the draft consent which require a detailed fencing plan to be submitted to Council for approval and that fencing is installed in accordance with this policy.

Provision of Electricity Supply and Telecommunications Services for Subdivision DA-POL-17

Standard conditions are included in the draft consent which require a Notice of Arrangement (NOA) for electricity and certificate of practical completion for fibre ready telecommunication infrastructure to be provided prior to the issue of a Subdivision Certificate.

Road Naming RD-POL-6

The naming of any new roads should be in accordance with the policy and also the NSW Address Policy and User Manual. Conditions are included in the draft consent which require road names to be submitted for approval.

Road Standards Policy RD-POL-9

The policy applies for the construction of roads and property accesses. Preliminary assessment by Council has indicated that the proposed subdivision has the potential to comply with the requirements of the policy, with full detailed engineering design drawings needing to be provided for approval prior to the issue of a Subdivision Works Certificate.

Water Supply in Rural Areas and Villages WS-POL-2

The subject land is not within an area serviced by potable reticulated water supply. A Restriction to User is to be created over each proposed lot requiring the installation of rainwater tanks in accordance with this policy.

Deposited Plans and 88B Instruments	<p><u>Comment</u></p>
	<p>The proposed development is not contrary to any existing 88B restrictions or easements.</p> <p>Conditions of consent require that suitably worded legal instruments are created in relation to the following:</p> <ol style="list-style-type: none"> 1. Building envelopes/zones and associated driveways 2. Special EMZ 3. Indicative EMZ 4. RFS general terms of approval 5. Fire trail/emergency access to the Old Federal Highway 6. Finished floor levels above 1% AEP flood level 7. Potable water storage 8. 10m wide landscaped buffer 9. Maintenance of stormwater infrastructure 10. PADs 11. Exclusion zone as per Yass River 40m offset 12. Registration of the Riparian Management Plan 13. Restriction of access on classified roads 14. Access to Telstra infrastructure 15. Use of 'access handle' along southern boundary of lot 'bq'

6.1 Development Application No DA200273 - 66 Lot Community Title Subdivision - 2090 Sutton Road, Sutton
Attachment K Landscaping Plan



CONDITIONS OF CONSENT

Part A General

1. Consent is granted generally in accordance with the plans and details submitted to Yass Valley Council (Council) with the Development Application. The plans and details have been stamped and attached to this consent. The development must be carried out in accordance with the stamped plans or as modified by these conditions.
2. **Work must not commence until a Subdivision Works Certificate has been issued.**

The conditions in Part B of this consent must be satisfied before a Subdivision Works Certificate can be issued.

The Subdivision Works Certificate certifies that work completed in accordance with approved plans, specifications and/or standards will comply with the relevant requirements of the following, current at the time of the Subdivision Works Certificate being issued:
 - Council's Road Standards Policy RD-POL-09
 - Council's Design and Construction Specification – AUS-SPEC #1
 - Australian Standards
 - Austroads publications for the posted speed limit
 - Austroads Guide to Road Design
3. All **engineering design and construction work must** be undertaken in accordance with the following, current at the time of the Construction Certificate being issued:
 - Requirements of TfNSW (as applicable)
 - Council's Road Standards Policy RD-POL-09
 - Council's Design and Construction Specification – AUS-SPEC #1
 - Australian Standards and
 - Austroads
4. All works must be undertaken in accordance with the **Biodiversity Certification Assessment Report (BCAR)** prepared by Capital Ecology, dated 1 November 2021, except where modified by the Order or the Biodiversity Certification Agreement.

The BCAR include details in relation to:
 - Tree removal and protection measures
 - Preparation of a Construction Environmental Management Plan and
 - Landscaping requirements.
5. This approval relates only to the development referred to in the Development Application and does not approve or accept any works or buildings already erected on the land, whether or not those works or buildings are the subject of a prior approval.
6. The capacity and effectiveness of **runoff and erosion control measures**, including techniques to suppress dust and the tracking of sediment onto existing sealed roads, must be maintained at all times to the satisfaction of Council.
7. All adjustments to **existing public utility services**, whether caused directly or indirectly by the approved development, must be undertaken at no cost to Council, Transport for NSW (TfNSW) or Telstra.

Part B Before the issue of a Subdivision Works Certificate

8. An **Application for a Subdivision Works Certificate** must be lodged with the Principal Certifier.

If Council is the Principal Certifier the application must be lodged on the NSW Planning Portal.

9. Pursuant to s.138 *Roads Act 1993*, **approval from TfNSW** must be obtained for works in the road reserve of a classified road. This will require detailed design plans and specifications, prepared and certified by an appropriately qualified person, to be submitted to and approved by TfNSW.

No work within the road reserve of a classified road is to be undertaken until approval from TfNSW is received.

Evidence of approval from TfNSW is to be submitted to Council.

10. In accordance with the *Water Management Act 2000*, a **Controlled Activity Approval** is to be obtained from NSW Natural Resources Access Regulator (NRAR).

Refer **Appendix A** for General Terms of Approval (GTA) issued by NRAR.

A copy of the Controlled Activity Approval must be provided to Council.

Notes:

(a) The attached GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for a Controlled Activity approval after consent has been issued by Council and before the commencement of any work or activity.

(b) Applications for controlled activity approval must be made to NRAR, by lodgement of a 'Controlled Activity Approval – New Approval Application' on the NSW Planning Portal.

(c) A completed application must be submitted to NRAR with any required plans, documents, application fee and proof of Council's development consent.

(d) Finalisation of an approval can take up to eight weeks from the date the application and all required supporting documentation is received.

11. In accordance with the *Water Management Act 2000*, approval is to be obtained from **WaterNSW** for the **proposed bore** and any required investigative works.

A copy of the approval must be submitted to Council.

12. A **Remediation Action Plan (RAP)** prepared by a suitably qualified environmental consultant must be submitted to Council for approval.

The RAP must include:

(i) Details outlining proposed remediation actions for each area of environmental concern (AEC) identified by the *Preliminary Site Investigation 25 May 2018* prepared by Murang Earth Sciences Pty Ltd to ensure the site is suitable for the approved residential use.

- (ii) A statement from an accredited site auditor verifying that the implementation of the RAP will remediate the site to the extent that it is suitable for the approved residential use.

13. A **revised plan of subdivision** must be submitted to Council for approval which indicates the **boundary between lots 'bj' and 'bk'** avoids the potential archaeological deposit (PAD) indicated on the approved plan of subdivision.

14. A **Construction Environmental Management Plan (CEMP)** to mitigate impacts that may occur throughout the development and prepared by a suitably qualified consultant must be submitted to Council for approval.

At a minimum the CEMP must include the following details:

- Site access
- Biodiversity Management Plan
- Dam Dewatering Plan
- Appropriate definition of clearing boundaries
- Protective fencing around sensitive values
- Protection and management of trees to be retained, in accordance with the Tree Impact Plan (Place Logic 2020c⁵¹).
- Buffer zones around sensitive values
- Clearing procedures including:
 - Pre-clearance surveys
 - Clearing outside of the breeding season of most of the locally occurring native fauna (i.e. August to December)
 - Fauna rescue procedures
 - The recovery of large logs and/or tree sections for the purpose of fauna habitat enhancement in the proposed Biodiversity Stewardship Sites.
- Weed management measures including:
 - Vehicle hygiene to ensure vehicles and machinery entering the development land will be clean of weed seed or propagules
 - Only sterile materials such as hessian/jute or rice straw for soil stabilisation or similar purposes
 - The prevention of high threat weeds from establishing on newly created road verges, landscaped areas, and other open spaces
- Best practice sediment and erosion controls to retard and treat site run-off including the following measures outlined in the Environmental Controls Concept Plans (Civil Drawing Nos. 307996CA800 to CA804):
 - Use of existing farm dams as clear water ponds during construction
 - Construction of sediment basin and its use as a clear water pond until it is required for sediment and erosion control
 - Use of sediment control structures such as silt fencing and hay bales in areas that are most effective and efficient

- Use of temporary tree protection fencing to trees immediately surrounding earthwork and heavy traffic areas
 - Use of site fencing to limit access and to conserve as much vegetated land as possible
 - Noise, vibration and dust control to minimise impacts on neighbouring properties and the road network
 - Measures to manage impacts of heavy vehicles on surrounding properties and the road network including measures to prevent site vehicles tracking sediment and other pollutants onto any sealed roads serving the development
 - Flow controls
 - Pollution and waste management
 - Water treatment standards before release
 - Re-establishing disturbed areas with endemic grass species and
 - Monitoring, reporting, and compliance requirements
 - Details of anticipated heavy vehicle movements to and from the development site including:
 - No movements on weekends or public holidays
 - Movements must occur between 7am and 6pm.
15. Engineering drawings for the upgrade of the **intersection of Sutton Road and Guise Street** must be submitted to TfNSW and Council's Infrastructure and Assets Division for approval.
- In accordance with the requirements of TfNSW, the drawings must include the following detail:
- (a) The intersection must be constructed and the roadside maintained so as to provide the required Sight Distance in accordance with the Austroads Publications as amended by Transport for NSW supplements for the posted speed limit.
 - (b) The intersection is to be upgraded to provide a sealed Channelised Right Turn-Short (CHR(s)) and Basic Left Turn (BAL) treatment. The intersection design must be in accordance with the Austroads Publications as amended by TfNSW supplements for the posted speed limit.
 - (c) The intersection must be designed and constructed to prevent water from proceeding onto, or ponding within, the carriageway. Any culvert located within the clear zone of Sutton Road for the posted speed limit must be constructed with a traversable type headwall.
16. Engineering drawings for the construction/upgrade of the **entire length of Guise Street** must be submitted to Council's Infrastructure and Assets Division for approval in accordance with:
- Council's Roads Standards Policy RD-POL-09 and
 - Council's Design and Construction Specification – AUS-SPEC #1.

Guise Street is to be upgraded in accordance with the following and as provided in *Guise Street Sketch for YVC*, Drawing No. 307996CX071, prepared by Spiire.

Section 1 - Intersection of Sutton Road and Guise Street to Proposed Road 01

- Widen either side of the existing carriageway to an 8m seal pavement with 0.3m wide shoulders, corresponding to the proposed cross section for proposed road 001.
- Localised narrowing of the road is permitted to ensure that no mature trees require removal.
- Minimise any impact to the existing remnant trees situated within the road reserve.
- Provide roadside table drain with localised steeper batters where required to minimise tree removal.
- The existing roadside table drain must be cleaned, formalised and provided with scour protection as required.
- Appropriate advisory signage is to be installed to inform motorists of road narrowing.
- Upgrade works must also meet the TfNSW requirements to accommodate the CHR and BAL treatments.

Section 2 – Proposed Road 01 to Moorong Street Intersection

- Widen either side of the existing carriageway to an 8m seal pavement with 0.3m wide shoulders.
- Upgrade works must include the formalisation of the Guise Street and Moorong Street intersection with some localised regrading works as required.
- Localised narrowing of the road is permitted to ensure that no mature trees require removal.
- Minimise any impact to the existing remanent trees situated within the road reserve.
- Provide roadside table drain with localised steeper batters where required to minimise tree removal.
- The existing roadside table drain must be cleaned, formalised and provided with scour protection as required.

Section 3 – Moorong Street Intersection to Limit of Sealed Works

- Road widening works must be reduced to a 7m sealed pavement with 0.3m shoulders as the traffic numbers along this section of Guise Street are proportionately reduced.
- The widening of Guise Street in this section of road must also include improving of the vertical curve and introducing appropriate advisory signage to inform motorist of road crest.
- Minimise any impact to the existing remanent trees situated within the road reserve.
- Provide roadside table drain with localised steeper batters where required to minimise tree removal.

Notes:

1. Council is committed to the sustainable management of the environment, including minimising the impact of road upgrades. Consideration must be made to Clause 9.5 of Council's Road Standards Policy RD-POL-9 in the preparation of engineering designs. Council may require a Review of Environmental Factors (REF) to accompany the engineering drawings for consideration and approval prior to the issue of an Subdivision Works Certificate.

2. Except as identified in Council's Road Standards Policy or as specified by an approved Subdivision Works Certificate, the maximum additional thickness of gravel/roadbase that can be added to an existing road is 150mm. If gravel/roadbase thickness above 100mm is proposed or it is proposed to modify the road formation beyond Council's Road Standards Policy approval is required from Council's Director of Infrastructure and Assets Division.
3. Except as identified by an approved Subdivision Works Certificate reducing the existing road levels by more than 200mm (in any section) cannot occur unless approved by Council's Director of Infrastructure and Assets Division.
4. Road upgrade works must ensure that property access and/or stormwater not is changed or concentrated in a way that is adversely impacts adjacent properties.

17. Engineering drawings for the provision of **access** to each lot must be submitted to Council's Infrastructure and Assets Division for approval in accordance with:

- Council's Roads Standards Policy RD-POL-09 and
- Council's Design and Construction Specification – AUS-SPEC #1.

In accordance with requirements of TfNSW, any new intersection with Guise Street or driveway access to any lot with frontage to Guise Street must be located a minimum of 20 metres from the carriageway of Sutton Road.

18. Engineering drawings for the construction of **new roads** must be submitted to Council's Infrastructure and Assets Division for approval in accordance with:

- Council's Road Standards Policy RD-POL-09 and
- Council's Design and Construction Specification – AUS-SPEC #1.

The drawings must include:

- (a) Details of the **access way located along the southern boundary of lot 'bq'**. This is to allow access to the 3m wide access handle along Sutton Road for maintenance purposes only (i.e. grass slashing). Gates and signage must be installed clearly indicating that vehicular and pedestrian access to/from Sutton Road is prohibited. The Sutton Road end is to be fenced.
- (b) Details of the **fire trail/emergency access to Old Federal Highway** between lots 'bk' and 'bl' including gates (to remain unlocked) and signage clearly indicating that access is restricted for authorised emergency purposes only. This access must also comply with the requirements of the RFS.
- (c) Provision for larger vehicles such as construction vehicles and garbage trucks
- (d) Provision for all cul-de-sacs to have a 12m turning radius and provided with an asphaltic concrete wearing surface (minimum standard 40mm thick AC14). The road reserve must be increased at cul-de-sac ends to cater for the turning radius and road verge.
- (e) Details indicating entry features or signs are not located in Council's road reserve.

Note:

Council is committed to the sustainable management of the environment, including minimising the impact of road upgrades. Consideration should be made to Clause 9.5 of Council's Road Standards Policy RD-POL-9 in the preparation of engineering designs.

Council may require a Review of Environmental Factors (REF) to accompany the engineering drawings for consideration and approval prior to the issue of an Engineering Construction Certificate.

19. Engineering drawings for the upgrade of the **existing vehicular access to Sutton Road at the southern extent of lot 'bq'** must be submitted to TfNSW and Council's Infrastructure and Assets Division for approval.

The access is for the purposes of providing Telstra access to the three southern most Telstra pits and associated infrastructure.

In accordance with the requirements of TfNSW, the access must be constructed in accordance with Council's Road Standards Policy RD-POL-9.

20. Engineering drawings associated with the construction of **footpaths and equestrian trail** must be submitted to Council's Infrastructure and Assets Division for approval in accordance with:

- Council's Road Standards Policy RD-POL-09 and
- Council's Design and Construction Specification – AUS-SPEC #1.

The drawings must include the following detail:

- (a) The footpath must be **1.5m wide**, 100mm thick and constructed of reinforced concrete (or other eg. decomposed granite), with 50mm compact gravel base.
- (b) The footpath must be constructed adjacent to Guise Street continuing along proposed Road 01 to achieve pedestrian connectivity amongst the smaller lots.
- (c) The footpath must connect the existing Sutton Road path network at the northern intersection of Guise Street and Sutton Road to the development site to achieve pedestrian connectivity.
- (d) The footpath must connect from the northern side of Guise Street to the start of Road 01 (adjacent to lot 'd'), along Road 01, through the community park and along the pedestrian link between the lots 'ai', 'ah', 'ar' and 'as', to the eastern section of Road 01.
- (e) The footpath must connect from the cul de sac of Road 03 to Road 01 via proposed open green space area between lots 'n' and 'r'.
- (f) A **3m wide** equestrian trail must be constructed from the eastern intersection of Guise Street and Road 01 (i.e. approximately Chainage 2350), along Road 02, through to the access way between the lot 'bi' and 'bj', ending at the Yass River open space area.

21. Engineering drawings and calculations associated with the drainage of **stormwater** must be submitted to Council's Infrastructure and Assets Division for approval in accordance with Council's Design and Construction Specification – AUS-SPEC #1.

The drawings must include the following detail:

- (a) Suitable drainage treatment within the development site to retard any increased stormwater run-off from the development site to the road reserve of Sutton Road.

- (b) Discharge of stormwater off the site including quantities for various storm events, including stormwater that falls on the site or enters the site from upstream.
- (c) Measures proposed to manage the discharge of stormwater from the site, including details of any infrastructure.
- (d) The potential downstream effects of such discharges and actions proposed to ameliorate such effects.
- (e) Measures proposed to ameliorate any effects on the site from stormwater from upstream of the site.
- (f) The stormwater system must be designed to ensure that discharge from the site post development is not exceeded when compared to pre development flows for a 1 in 5 and 1 in 100 year ARI.
- (g) An **overland flow path** to accommodate the discharge from a 1 in 100 year storm event in order to ensure no adjoining property is affected by the stormwater runoff as a result of the proposed development.
- (h) Details of any stormwater retention or water quality basins.

22. A landscaping plan must be submitted to Council for approval.

The plan must include the following details:

- (a) Advanced **street trees** planted in the road reserve of new roads, at a rate of one every 20 metres. The trees must be adequately protected.
- (b) In accordance with the requirements of the BCAR, the street trees must consist of native tree species *Eucalyptus albens* and *Eucalyptus cinerea*.

These species were selected as they are suitable for wider verges and are complementary to the existing Box-Gum Woodland vegetation.
- (c) In accordance with the requirements of the BCAR, **formal avenue planting** along part of Road 01.
- (d) In accordance with the requirements of the BCAR, planting of **native seed mix along road verges** adjacent to the proposed Biodiversity Stewardship Sites.
- (e) Landscaping of the **community park**.
- (f) Details of the species to be planted including cultivar, common and botanical names and height and spread at maturity.

23. Plans and details for the **fencing and landscaping of the Sutton Road frontage of the development site (northern extent of lot 'a' to southern extent to lot 'q') must be submitted to TfNSW and Council for approval.**

The drawings must include the following detail:

- (a) A vegetated buffer at least 10m wide within the development site
- (b) Landscaping must be to a standard so as to provide a visual screen from the carriageway of Sutton Road

- (c) Landscaping must consist of a variety of endemic species and growing to a mature height of up to 5 metres
 - (d) Landscaping must consist of only shrubs and/or small trees without invasive roots so as to preserve Telstra's underground infrastructure.
24. Plans and details indicating a **five metre wide avenue of canopy trees within the road reserve of Sutton Road** must be submitted to TfNSW and Council for approval.
- The plans and details must be in accordance with the requirements outlined in the Sutton Village Master Plan.
25. A detailed **fencing plan**, prepared in accordance with Non-Urban Fencing Policy DA-POL-12, must be submitted to Council's Planning and Environment Division for approval.
26. Details of **estate entry signage** must be submitted to Council's Planning and Environment Division for approval, including:
- (a) An assessment under the provisions of Schedule 1 of *State Environmental Planning Policy No. 64 – Advertising and Signage*
 - (b) Must only include the estate name
 - (c) Any stone masonry walls must be constructed in accordance with *AS 3700:2018 Masonry Structures*
 - (d) Illumination is not permitted.
27. Details of the **community park** must be submitted to Council's Planning and Environment Division for approval.
- The details must include:
- (a) Detailed site plan
 - (b) Elevations and structural details for components of the park that are not exempt development under the provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
28. A **Design Certification Report** for all engineering design work must be submitted to Council's Infrastructure and Assets Division, in accordance with Council's Design Specification – AUS-SPEC #1, Annexure DQS-A.
- The report must provide evidence that suitably qualified designers have designed each component of the engineering works for the development.
29. A list of three **street names** for each new street must be submitted to Council for consideration and approval in accordance with Council's Road Naming Policy RD-POL-6.
- For each proposed street name information must be submitted indicating the reason for the names and any historical significance.
- A proposed street name that has aboriginal significance must be accompanied by written approval from the appropriate Aboriginal Land Council.

30. Details of compliance with **flood planning controls** applicable to the site must be submitted to Council for approval. This must include required finished floor levels for flood affected lots.

31. Details of the **filling of dams** must be submitted to Council for approval, including:

- (a) A dam dewatering plan prepared by a suitably qualified and experienced person
- (b) Volume of material required to fill each dam
- (c) Proposed method of filling each dam including measures to ensure the sites are suitable for future residential development.

Any filling within 1% AEP flood is normally unacceptable unless compensatory excavation is provided to ensure there is no net loss of floodplain storage volume below 1% AEP.

32. A **Riparian Management Plan** is to be submitted to Council for approval which details:

- The removal of priority weed species
- Bank stabilisation and
- Revegetation with appropriate native species

Part C Before the commencement of works

General

33. A **Site Audit Report** prepared by an accredited site auditor must be submitted to Council. The report must validate the remediation works undertaken and certify that the site is suitable for the approved residential land use.

34. All measures specified in the **CEMP** must be implemented.

35. The applicant must **nominate a suitably qualified and experienced person** to the satisfaction of Council to be responsible for the day to day environmental management of the site and liaising between the Applicant and all relevant government agencies including Council.

36. Council must be informed of the **date subdivision work is proposed to commence**, no later than two days prior to works commencing. This will require [Form 131](#) to be submitted to Council.

37. A **Soil and Water Management Plan** must be submitted to Council's Infrastructure & Assets Division for approval in accordance with Council's Design and Construction Specification – AUS-SPEC #1.

The plan must include construction techniques to minimise site disturbance and the potential for soil erosion by wind or water, erosion control on any watercourse on the property, revegetation of disturbed areas and any other matters that are deemed necessary by Council.

Note:

An indicative plan may be prepared to complement the design plans, however the final plan for approval must be prepared in consultation with the construction contractor.

38. Any contractor undertaking works in an **existing Council road reserve** must submit the following details to Council's Infrastructure and Assets Division:

- A current public liability certificate with a minimum cover of \$20 million

- Current plant / vehicle insurances
- A certified traffic control plan for the proposed works

39. **Run-off and erosion control measures** must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land by:

- (a) diverting uncontaminated run-off around cleared or disturbed areas and
- (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties and
- (c) preventing the tracking of sediment by vehicles onto roads and
- (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

40. A **sign** must be erected in a prominent position on the site's boundary which indicates:

- (a) the name, address and telephone number of the Principal Certifier for the work, and
- (b) the name and after-hours contact phone number of the principal contractor (if any) for any building work, and
- (c) unauthorised entry to the site is prohibited.

This sign must be maintained while work is being carried out and must be removed upon completion of the work.

41. **Hoarding or temporary construction site fence** must be erected between the site and adjoining properties, if the works:

- (a) could cause a danger, obstruction or inconvenience to the public, pedestrian and/or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

The hoarding or temporary construction site fence must be erected before works commence and be removed immediately after the work in relation to which it was erected has finished, if no safety issue will arise from its removal.

42. **Toilet facilities** must be available or provided at the work site before works commence and must be maintained until the works are completed.

The toilets must be provided in accordance with the following:

- (a) at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site and
- (b) be a standard flushing toilet connected to a public sewer or
- (c) be connected to an on-site effluent disposal system approved under the *Local Government Act 1993* or
- (d) be a temporary chemical closet approved under the *Local Government Act 1993*.

Tree Management

43. Trees must be protected and removed in accordance with the measures outlined in the approved CEMP.

44. All trees to be retained must be protected prior to any works commencing on the site in accordance with *AS 4970-2009 - Protection of Trees on Development Sites*.

45. The applicant must nominate a suitably qualified and experienced person who will be responsible for overseeing the tree removal and tree management.
46. Public access to the site is to be restricted when tree removal work is in progress or the site is unoccupied. All public safety provisions must be in place prior to the commencement of any works and must be maintained throughout tree removal work.

Part D While works are being carried out

Bushfire Protection – NSW Rural Fire Service

47. **Perimeter roads** must comply with the general requirements outlined in Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:
- Are two-way sealed roads
 - Have a minimum 8 metres carriageway width kerb to kerb
 - Parking is provided outside of the carriageway width
 - Hydrants are located clear of parking areas
 - Curves of roads have a minimum inner radius of 6 metres
 - The maximum grade road is 15 degrees and average grade of not more than 10 degrees
 - The road cross fall does not exceed 3 degrees and
 - A minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches, is provided.
48. **Non-perimeter roads** must comply with the general requirements outlined in Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:
- Are two-way sealed roads
 - Have a minimum 5.5 metres carriageway width kerb to kerb
 - Parking is provided outside of the carriageway width
 - Hydrants are located clear of parking areas
 - Curves of roads have a minimum inner radius of 6 metres
 - The road cross fall does not exceed 3 degrees and
 - A minimum vertical clearance of 4 metres to any overhanging obstruction, including tree branches, is provided.
49. **Temporary turning heads** must be provided to temporary dead end roads incorporating either a minimum 12 metre radius turning circle or turning heads compliant with A3.3 Vehicle turning head requirements of *Planning for Bush Fire Protection 2019*.
- The turning areas may be removed upon opening of future proposed through roads.
50. **Property access roads** must comply with the following requirements of *Planning for Bush Fire Protection 2019*:
- Property access roads are two-wheel drive, all-weather roads
 - The capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes), bridges and causeways are to clearly indicate load rating.
 - Hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005
 - There is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available

- At least one alternative property access road is provided for individual dwellings or groups of dwellings that are located more than 200 metres from a public through road
- Minimum 4m carriageway width
- In forest, woodland and heath situations, rural property roads have passing bays every 200m that are 20m long by 2m wide, making a minimum trafficable width of 6m, at the passing bay
- A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches
- Property access must provide a suitable turning area in accordance with Appendix 3
- Curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress
- The minimum distance between inner and outer curves is 6m
- The cross fall is not more than 10 degrees
- Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads and
- A development comprising more than three dwellings has formalised access by dedication of a road and not by right of way.

Some short constrictions in the access may be accepted where they are not less than 3.5m wide, extend for no more than 30m and where the obstruction cannot be reasonably avoided or removed. The gradients applicable to public roads also apply to community style development property access roads in addition to the above.

51. **Emergency access to the Old Federal Highway** must be constructed the standard of a non-perimeter road which includes the general requirements outlined in Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:

- Gates permitted – to remain unlocked at all times
- Are two-way sealed roads
- Have a minimum 5.5 metres carriageway width kerb to kerb
- Parking is provided outside of the carriageway width
- Hydrants are located clear of parking areas
- Curves of roads have a minimum inner radius of 6 metres
- The road cross fall does not exceed 3 degrees and
- A minimum vertical clearance of 4 metres to any overhanging obstruction, including tree branches, is provided.

52. The provision of **water, electricity and gas** must comply with the following in accordance with Table 5.3c of *Planning for Bush Fire Protection 2019*:

- Reticulated water is to be provided to the development where available
- Fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2005
- Hydrants are and not located within any road carriageway
- Reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads
- Fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005
- All above-ground water service pipes are metal, including and up to any taps
- Where practicable, electrical transmission lines are underground
- Where overhead, electrical transmission lines are proposed as follows:
 - Lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas

- No part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.

- Reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used
- Reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used
- All fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side
- Connections to and from gas cylinders are metal, polymer sheathed flexible gas supply lines are not used and
- Above-ground gas service pipes are metal, including and up to any outlets.

NSW Natural Resources Access Regulator

53. The development must be undertaken in accordance with the **Controlled Activity Approval** issued by NRAR.

Tree Removal

54. The removal of trees from the site is **restricted to those identified in the plans** and details stamped approved and attached to this consent.
55. A suitably qualified and/or experienced **tree arborist** is required to carry out all tree removal.
56. All **tree pruning** must be undertaken in accordance with AS 4373-2007 and by a suitably qualified and/or experienced tree arborist.

Construction

57. All measures specified in the approved **Construction Environment Management Plan** must be implemented and maintained while works are being carried out.
58. Works associated with the development must be undertaken in accordance with the following, unless otherwise approved by Council in writing:
- **7.00 am to 6.00 pm Monday to Friday**
 - **8.00 am to 1.00 pm Saturday**
 - **No work on Sundays or Public Holidays**
59. **Noise, dust and odour** generated as a result of the development must comply with the provisions of the *Protection of the Environment Operations Act 1997*.

Environmental Heritage

60. If an **Archaeology object** is discovered during the course of work:
- (a) All work must stop immediately and
 - (b) The Department of Planning and Environment must be advised of the discovery.
- Depending on the significance of the object, an archaeological assessment and excavation permit issued under the *Heritage Act 1997*, may be required before work can continue.

61. If an **Aboriginal object** (including evidence of habitation or remains) is discovered during the course of work:

- (a) All must stop immediately and
- (b) The Department of Planning and Environment must be advised of the discovery in accordance with s.89A *National Parks and Wildlife Act 1974*.

Depending on the nature of the discovery, an Aboriginal Heritage Impact Permit issued under the *National Parks and Wildlife Act 1974*, may be required before work can continue.

Earthworks

62. Material imported to the site must be suitable for the proposed application and be:

- (a) Sourced from a suitably licensed facility (i.e. landscaping supplies or quarry operation) or
- (b) [VENM](#) as defined in the *Protection of the Environment Operations Act 1997* or
- (c) ENM as defined in the *Protection of the Environment Operations (Waste) Regulation 2014 – Excavated Natural Material Resource Recovery Exemption 2014*.

Documentation demonstrating compliance with this condition must be provided to Council upon request.

The document titled *Certification: Virgin excavated natural material* as published by the *Environmental Protection Authority* in September 2013 is considered a suitable form of certification to achieve compliance with this condition for VENM.

The use of ENM must be in accordance with the requirements of:

- The *Protection of the Environment Operations (Waste) Regulation 2014 – Excavated Natural Material Resource Recovery Exemption 2014* and
- *Protection of the Environment Operations (Waste) Regulation 2014 – Excavated Natural Material Resource Recovery Order 2014* (as modified or superseded).

Inspections

To arrange an inspection with Council please use the on-line booking system on Council's website: yassvalley.nsw.gov.au > [Our Services](#) > [Planning and Building](#) > [Certification and Inspections](#) > [Inspections](#).

63. The following inspections must be undertaken and a Compliance Certificate (or other relevant documentation) obtained:

Inspection	Authority to carry out inspection
(a) Completion of sub-grade pavement layer – proof roll	
(b) Completion of stormwater drainage lines – prior to backfilling	
(a) Completion of stormwater detention infrastructure	Council's Infrastructure and Assets Division
(b) Completion of stormwater quality improvement infrastructure	

(c)	Completion of base course pavement layer – proof roll	
(d)	Completion of two coat bitumen seal and asphalt cul-de-sac - visual only	
(e)	Completion of roadside drainage	
(f)	Completion of footpath	
(g)	Completion of equestrian trail	
(h)	Completion of property accesses - for access dimensions and to ensure there are no 'trip-fall' hazards. Compliance with change in longitudinal grade will only be undertaken where it can be confirmed via WAE drawings.	
(i)	Completion of streetscaping and other public landscaping	
(j)	Completion of boundary fencing of each lot created.	
(k)	Structures in park (as required)	Principal Certifier
(l)	Completion of bushfire protection works as required the NSW Rural Fire Service	Council's Planning and Environment Division or an accredited bushfire consultant
(m)	Status of weeds on each proposed lot	Local Control Authority
(n)	Practical Completion	
(o)	Final Inspection	Council's Infrastructure and Assets Division

Part E Before the issue of a Subdivision Certificate

64. The conservation measures set out in Schedule 4 of the Order conferring Biodiversity Certification – Woodbury Ridge Estate signed by the delegate of the Minister for Environment and Heritage on 1 April 2022 must be implemented.
65. Biodiversity credits must be retired in accordance with Schedule 4A of the Order conferring Biodiversity Certification – Woodbury Ridge Estate signed by the delegate of the Minister for Environment and Heritage on 1 April 2022.
66. The Biodiversity Certification Agreement, entered into by the proponent and the Minister for the Environment and Heritage on 6 April 2022, must be implemented and complied with.
67. The development must comply with the General Terms of Approval issued by the NSW Rural Fire Service (refer [Appendix B](#)).
68. Evidence must be submitted to Council that demonstrates that works have been completed in accordance with the Controlled Activity Approval issued by NRAR.

69. The development must comply with any terms of approval issued by **WaterNSW**, as applicable to the development.

70. In accordance with s.7.12 EP&A Act and the Yass Valley Development Contributions Plan 2018, a monetary contribution must be paid to Council in accordance with the table below.

Proposed cost of carrying out the development	Contribution Rate
Up to and including \$100,000	Nil
More than \$100,000 and up to and including \$200,000	0.5% of that cost
More than \$200,000	1% of that cost

A Quantity Surveyor's report is required for works exceeding \$1,000,000. Below this threshold, a cost summary report is acceptable.

The contribution plan may be viewed on Council's website or at the Council Office, located at 209 Comur Street, Yass.

71. Where the value of such works is greater than \$25,000, a **levy** under the *Building and Construction Industry Long Service Payments Act 1986*, equivalent to 0.35% of the value of the works, must be paid to Council.

72. A **bank guarantee**, or cash bond, equivalent to 5% of the value of the whole of the engineering works must be lodge with Council as a performance bond.

Notes:

- (a) This bond must be unconditional with no time limit and must be in the name of the developer (i.e. bonds in the name of the construction contractor will not be accepted).
- (b) This bond will be held for a period of the defects liability period (at least 12 months), which will commence from the later of linen plan release from Council or the practical completion of the engineering works (as evidence by the associated engineering compliance certificate).
- (c) At the end of the defects liability period a final compliance inspection will be undertaken. Areas inspected may include the following:
 - Roadside drainage
 - Piped drainage
 - Water quality or retention systems/devices
 - Sealed road surface condition including excessive loose gravel
 - Road signs and lines
 - Sub-grade failures (e.g. soft spot)
 - Roadside landscaping
- (d) During the defect liability period the applicant will be responsible for all maintenance activities except for the following, which will be undertaken by Council:
 - Maintenance grading of unsealed roads public roads
 - Council sewer blockages

73. The applicant must pay to Council the cost of **rural addressing** for each new lot in accordance with Council's Fees and Charges. This will require [Form 218](#) to be submitted to Council.
74. A **Community Management Statement** must be submitted to Council's Planning and Environment Division for approval which makes provision for:
- (a) Relevant requirements of the Order and Biodiversity Certification Agreement including the Biodiversity Management Plan approved by the Department of Planning and Environment
 - (b) Environmental protection by-laws as required by the BCAR
 - (c) Riparian Management Plan approved by Council
 - (d) Vegetation Management Plan approved by NRAR
 - (e) Use and management of the fire trail
 - (f) Reticulated bore system
 - (g) Use and maintenance of the park and co-located stormwater infrastructure
 - (h) Standard of fencing to be provided by future landowners
 - (i) Maintenance of estate entry signage
 - (j) Stormwater infrastructure
 - (k) Other matter as required by Council
75. The **intersection of Sutton Road and Guise Street** must be upgraded in accordance with the designs/drawings approved with the Subdivision Works Certificate.
76. **Guise Street** must be upgraded in accordance with Council's Road Standards Policy RD-POL-09 or, where required, designs/drawings approved with the Subdivision Works Certificate.
77. **Landscaping in the road reserve of Sutton Road** must be completed in accordance with the plans and details approved with the Subdivision Works Certificate.
78. **Landscaping along the Sutton Road frontage** of the development site must be completed in accordance with the plans and details approved with the Subdivision Works Certificate.
79. **Roads and associated infrastructure** are to be constructed in accordance with Council's Road Standards Policy RD-POL-09 or, where required, designs/drawings approved with the Subdivision Works Certificate.
80. All **road reserves** must be dedicated to Council.
81. **Footpaths** must be constructed in accordance with the designs/drawings approved with the Subdivision Works Certificate.
82. An **equestrian path** must be constructed in accordance with the designs/drawings approved with the Subdivision Works Certificate.
83. **Street name signs** must be installed at the entrance to each new road. The sign must be in accordance with Council's standard urban street sign design.
- Where the road is no-through a "no-through road" sign is to be installed.
84. **Property vehicular accesses** from the road to the property boundary of each proposed lot must be constructed in accordance with Council's [Road Standards Policy RD-POL-09](#), or, where required, designs/drawings approved with the Subdivision Works Certificate.

85. **Street lighting** must be designed and installed throughout the subdivision in accordance with *AS 1158 Lighting for Roads and Public Spaces*.
86. **Stormwater drainage** and any quality/quantity devices must be constructed in accordance with Council's Design and Construction Specification – AUS-SPEC #1 or, where required, designs/drawings approved with the Subdivision Works Certificate.
87. An **over land flow path** to accommodate the discharge from a 1 in 100 year storm event must be provided in accordance with designs/drawings approved with the Subdivision Works Certificate.
88. **Fencing** must be constructed in accordance with:
- The fencing plan approved with the subdivision works certificate.
 - Council's Non-Urban Fencing Policy DA-POL-12 and
89. **Estate entry signage** must be constructed in accordance with the plans and details approved with the Subdivision Works Certificate.
90. **Landscaping** must be completed in accordance with the plans approved with the Subdivision Works Certificate.
- Advanced street trees** must be appropriately maintained (including watered) to ensure they survive and will be checked as part of any defect liability period. Any missing or dead trees must be replaced before issuing the final defect liability period compliance certificate.
91. In accordance with requirements of TfNSW, any **existing vehicular access points or gates** to the road reserve of Sutton Road or the Federal Highway must be removed and the road reserve reinstated to match the surrounding roadside landform.
- For the purposes of providing access to Telstra infrastructure, this does not include the existing access gate and driveway to Sutton Road at the northern extent of lot 'bq'.
92. The Applicant must provide an inspection notice, from within the last three months, of the status of **weeds** on the property pursuant to the Applicant's General Biosecurity Duty under the *Biosecurity Act 2015*.
- The applicant must carry out such works as determined by the Local Control Authority for the satisfactory control of weeds prior to the issue of a Subdivision Certificate. The Local Control Authority is to provide written documentation confirming that these works have been carried out and completed in a satisfactory manner.
- Where a plan of management is required by the Local Control Authority for the satisfactory control of weeds:
- (a) The applicant must submit to Council a copy of the plan of management
 - (b) The applicant must submit to Council written documentation from the Local Control Authority confirming that the plan of management is satisfactory
 - (c) The plan of management must be registered as a restriction to user under Section 88 of the *Conveyancing Act 1919*. The name of the Authority having the power to release, vary or modify this restriction must be Yass Valley Council and will only be released at such time as an inspection notice from the Local Control Authority is submitted to Council confirming that the area is free of weeds.

93. In accordance with the Provision of Electricity Supply and Telecommunications Service for Subdivisions Policy DA-POL-17, evidence must be submitted to Council demonstrating that a satisfactory standard of **electricity supply** is available to each lot within the subdivision.

94. In accordance with the Provision of Electricity Supply and Telecommunications Service for Subdivisions Policy DA-POL-17, evidence must be submitted to Council demonstrating that a satisfactory standard of **telecommunications service** is available to each lot within the subdivision.

95. The applicant must confirm by survey that the formation and associated batters and drainage **structures along the frontage of the subject property**, are within the road reserve.

Where the existing road is within the subject land, the applicant must ensure that the legal and physical attributes coincide by adjustment of the road reserve. The Applicant's request for a Subdivision Certificate must include specific reference to the review and whether or not adjustment of the road reserve is necessary.

96. One complete set of **Work as Executed (WAE)** drawings, indicating all details of new engineering works constructed, must be submitted to Council.

The WAE drawings must include the following details, as applicable to development:

- Water – location, depth, size, material, easement
- Sewer – location, depth, size, material, easement, invert level, grades, pit details and tie details
- Stormwater - location, depth, size, material, easement, invert level, grades, pit details and tie details
- Transport Infrastructure – roads plan, cross sections, long sections, pavement details, kerb and gutter details, footpath and cycleway details, bus stop details, street light locations
- Details of property accesses including a cross section from the centre of the road to at least 3m into the adjacent property. Cross section to show all change in grades
- Landscaping details
- Other Utilities – gas, telecommunications, electricity, fibre optic cable locations, depths, easements and heights in comparison to the roads centre line.
- Survey Mark Details – Marker numbers and AHD.

The WAE Drawings must be supplied to Council in the following format:

- AutoCAD LT 2011 on MGA 94 Zone 55 coordinates and
- AutoCAD R12/LT2 DXF and
- PDF and
- A1 Hard Copy and

Note:

Tie details must include depth, distance into the property and distance from a specified property boundary

97. **Constructed Asset Information** must be submitted to Council for all assets dedicated to Council and must include detail the following, as applicable to the development:

Roads

- Length, width, gravel depth

- Earthworks cost
- Pavement cost
- Seal cost
- Guidepost numbers and cost
- Raised pavement markers numbers and cost
- Guardrail type, size in metres and cost
- Signposts cost
- Open drainage works length and cost
- Kerb and gutter length and cost
- Footpath cycleway length, width and cost.

Stormwater Drainage

- Pipe type, length and cost
- Pit type, number and cost
- Headwalls, number and cost
- Rockwork area and cost
- Stormwater quality improvement features, type, number and component costs.

Sewerage Infrastructure

- Pipe type, length and cost
- Pit type, number and cost
- Pump well type and cost
- Electrical and Control equipment type and cost
- Back up generator type and cost
- Monitoring equipment type and cost.

Water Supply Infrastructure

- Pipe type, length and cost
- Valve type, number and cost
- Hydrant type, number and cost

Other Assets

- Description, dimensions and cost.

98. For each lot created a separate **Lot Plan (A4)** must be submitted to Council which includes the following detail, as applicable to the development:

- Tie details for water, sewer and stormwater including location (distance from nearest side boundary and distance into the lot), level, depth and diameter and
- Easement details.

99. Evidence must be provided indicating that existing **dams** do not exceed maximum harvestable rights in accordance with the maximum harvestable right dam capacity provisions of the *NSW Farm Dams Policy 1999*.

100. **Easements** must be created on the final plan of subdivision centred on any existing or new power lines/cables, stormwater drainage lines, water mains, or sewer mains passing through private property and must be in accordance with the service providers requirements.

Easements over Council services must be 3m wide however consideration will be given to a narrower easement in circumstances where it can be justified and is approved by Council's Infrastructure and Assets Division.

101. Building envelopes and associated driveways must be designated on the final plan of subdivision in accordance with:

- The areas shown as *Permitted Building Zone 2,000m²* on the approved plan of subdivision
- The areas shown as *Permitted Building Zone Unlimited Except for Setbacks/Buffers* on the approved plan of subdivision for Lots 'aa' and 'ae' and
- The corresponding areas in Schedule 2A of the Order conferring Biodiversity Certification – Woodbury Ridge Estate signed by the delegate of the Minister for Environment and Heritage on 1 April 2022.

The accompanying Section 88B instrument must state:

No development is permitted outside of the identified building envelope shown on the plan of subdivision.

The name of the Authority having the power to release, vary or modify this restriction must be Yass Valley Council.

102. Building envelopes and associated driveways must be designated on the final plan of subdivision in accordance with:

- The areas shown as *Permitted Building Zone Unlimited Except for Setbacks/Buffers* on the approved plan of subdivision except for Lots 'aa' and 'ae'.

The accompanying Section 88B instrument must state:

No development is permitted outside of the identified building envelope shown on the plan of subdivision.

The name of the Authority having the power to release, vary or modify this restriction must be Yass Valley Council.

103. Special effluent management zones must be designated on the final plan of subdivision in accordance with:

- The areas shown as *Special Effluent Management Zone* on the approved plan of subdivision and
- The corresponding areas in Schedule 2A of the Order conferring Biodiversity Certification – Woodbury Ridge Estate signed by the delegate of the Minister for Environment and Heritage on 1 April 2022.

The accompanying Section 88B instrument must require:

- Effluent disposal is restricted to the prescribed area
- Installation of Secondary Treatment Systems (including disinfection) and
- Effluent disposal to be via subsurface drip irrigation to areas of fully managed lawn
- Any On Site Sewage Management Report must be consistent with the Land Capability Assessment Report prepared by Franklin Consulting Australia Pty Ltd (Version 2, 11 December 2020), which accompanied DA200273.

The name of the Authority having the power to release, vary or modify this restriction must be Yass Valley Council.

104. Indicative effluent management zones must be designated on the final plan of subdivision in accordance with:

- The areas shown as *Indicative Effluent Management Zone 1,250m²* on the approved plan of subdivision and
- The corresponding areas in Schedule 2A of the Order conferring Biodiversity Certification – Woodbury Ridge Estate signed by the delegate of the Minister for Environment and Heritage on 1 April 2022.

The accompanying Section 88B instrument must require:

- Effluent disposal is restricted to the prescribed area and the associated building envelope
- Any On Site Sewage Management Report must be consistent with the Land Capability Assessment Report prepared by Franklin Consulting Australia Pty Ltd (Version 2, 11 December 2020), which accompanied DA200273.

The name of the Authority having the power to release vary or modify this restriction must be Yass Valley Council.

105. In accordance with requirements of the **NSW Rural Fire Service**, a suitably worded legal instrument must be created over **Lots 'ae', 'bc' to 'be' and 'ca' to 'cd'** which requires:

- (a) *New construction must comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone area or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and as amended by section 7.5 of Planning for Bush Fire Protection 2019*
- (b) *The registered proprietor of each lot must be able to create and manage any required Asset Protection Zones outside of the lot boundary and manage this for the life of the development.*
- (c) *To aid in firefighting activities, unobstructed pedestrian access to the rear of the property or the extent of the Asset Protection Zone, must be provided and is to be maintained at all times.*

The name of the Authority having the power to release, vary or modify this restriction must be Yass Valley Council.

106. In accordance with requirements of the **NSW Rural Fire Service**, a suitably worded legal instrument must be created over **Lots 'bf' to 'bq'** which requires:

- (a) *Future dwellings to be sited in a location which ensures that the building will not be exposed to radiant heat levels that exceed 12.5kW/m² (BAL 12.5)*
- (b) *New construction must comply with s.3 and s. 7 (BAL 29) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone area or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and as amended by s.7.5 of Planning for Bush Fire Protection 2019.*
- (c) *To aid in firefighting activities, unobstructed pedestrian access to the rear of the property must be provided and is to be maintained at all times.*

The name of the Authority having the power to release, vary or modify this restriction must be Yass Valley Council.

107. In accordance with requirements of the NSW Rural Fire Service, a suitably worded legal instrument must be created over the entirety of all **road reserves, community lots** and **lots 'a' to 's', 'aa' to 'az', 'ba', 'bb' and 'bf' to 'bq'** which requires:

- *The management, in perpetuity, as **inner protection areas** as outlined within section 5 and Appendix 4 of Planning for Bush Fire Protection 2019 and the Rural Fire Service's document Standards for Asset Protection Zones.*

The name of the Authority having the power to release, vary or modify this restriction must be Yass Valley Council.

108. In accordance with requirements of the **NSW Rural Fire Service**, a suitably worded legal instrument must be created over **Lots 'ae', 'bc' to 'be', 'bq' and 'ca' to 'cd'** which requires:

The area around the building envelopes must be managed as outlined within section 5.3 and Appendix 4 of Planning for Bush Fire Protection 2019 and the NSW Rural Fire Service's document Standards for Asset Protection Zones as outlined below:

- *Lot 'ae' - East Direction: IPA for a minimum distance of 32 metres*
- *Lot 'bc' - All Directions: IPA for a minimum distance of 39 metres*
- *Lot 'bd':*
 - *North, East and South Directions: IPA for a minimum distance of 39 metres*
 - *West Direction: IPA for a minimum distance of 26 metres*
- *Lot 'be':*
 - *North, East and West Directions: IPA for a minimum distance of 39 metres*
 - *South Direction: IPA for a minimum distance of 26 metres*
- *Lot 'bq' – South Direction: IPA for a minimum distance of 26 metres*
- *Lot 'ca':*
 - *North, East and South Directions: IPA for a minimum distance of 39 metres*
 - *West Direction: IPA for a minimum distance of 32 metres.*
- *Lot 'cb':*
 - *North and East Directions: IPA for a minimum distance of 39 metres*
 - *South Direction: IPA for a minimum distance of 26 metres*
 - *West Direction: IPA for a minimum distance of 32 metres.*
- *Lot 'cc' - All Directions: IPA for a minimum distance of 39 metres*
- *Lot 'cd':*
 - *North and West Directions: IPA for a minimum distance of 26 metres and*
 - *East and South Directions: IPA for a minimum distance of 39 metres.*

The registered proprietor of each lot must be able to create and manage the Asset Protection Zones outside of the lot boundary (as required) and manage this for the life of the development.

The name of the Authority having the power to release, vary or modify this restriction must be Yass Valley Council.

109. A suitably worded legal instrument must be implemented which indicates to all landowners within the Community Scheme that the **fire trail/emergency access to the Old Federal Highway** is:
- (a) Not a public road for everyday use
 - (b) Restricted to access for authorised emergency purposes only and
 - (c) The gate/s associated with the access are not required to be locked, however must remain closed unless in use for emergency purposes.
110. A Restriction to User pursuant to s.88B *Conveyancing Act 1919* must be created over all flood affected lots which prohibits the construction of a building on the lot unless it has a **finished floor level 600mm above the 1% AEP flood level**, identified by the drawings and details approved with the Subdivision Works Certificate.
- The name of the Authority having the power to release vary, or modify this restriction must be Yass Valley Council.
111. A Restriction to User under Section 88B of the *Conveyancing Act 1919* must be created over all lots requiring **potable water storage** (rainwater tanks) to the following minimum standard:
- 45,000 litres for houses less than 150m²
 - 90,000 litres for houses in excess of 150m².
- Above ground tanks must provide for the refilling of fire tankers by the installation of a "Storz" fitting at the base of the tank with a gate valve. The house service may branch off this outlet. Underground tanks must include an access hole at least 150mm diameter.
- The name of the Authority having the power to release, vary or modify this restriction must be Yass Valley Council.
112. A suitably worded legal instrument must be created over lots 'a' – 'q' (inclusive) which requires the maintenance of the **10m wide landscaped buffer** in perpetuity and to the satisfaction of Council and TfNSW.
113. A suitably worded legal instrument must be created over lots 'a' – 'd' (inclusive) which requires the maintenance of the **stormwater infrastructure** in perpetuity to the satisfaction of Council.
114. A Restriction to User pursuant to s.88B *Conveyancing Act 1919* must be created over lots 'bi', 'bj' and 'bk' that states that:
- Impact on the **potential archaeological deposit (PAD)** is not permitted unless further investigation is undertaken consisting of sub-surface testing.*
- The name of the Authority having the power to release, vary or modify this restriction must be Yass Valley Council.
115. An **exclusion zone** must be designated on the final plan of subdivision over lots 'bi', 'bj' and 'bk' in accordance with the Yass River 40m offset indicated on the approved plan of subdivision.
- The accompanying Section 88B instrument must state:
- No development is permitted within the exclusion zone.*

The name of the Authority having the power to release, vary or modify this restriction must be Yass Valley Council.

116. A suitably worded legal instrument must be implemented which registers the **Riparian Management Plan**, approved with the Controlled Activity Approval, on the community association lot.

The intent is to ensure the ongoing management of the Yass River riparian corridor.

117. A Restriction to User pursuant to section 88B *Conveyancing Act 1919* must be created over lots 'a', 'k', 'j', 'i', 'h', 'o', 'p', 'q', 'am', 'an', 'ao', 'ap', 'aq' and 'bq' that states that:

Vehicular and pedestrian access onto Sutton Road is prohibited.

The name of the Authority having the power to release, vary or modify this restriction must be Yass Valley Council.

118. A Restriction to User pursuant to section 88B *Conveyancing Act 1919* must be created over lot 'cd' that states that:

Vehicular and pedestrian access onto Sutton Road and the Federal Highway is prohibited.

The name of the Authority having the power to release, vary or modify this restriction must be Yass Valley Council.

119. A Restriction to User pursuant to section 88B *Conveyancing Act 1919* must be created over lots 'cb', 'bl' and 'bk' that states that:

Vehicular and pedestrian access onto Old Federal Highway is prohibited.

The name of the Authority having the power to release, vary or modify this restriction must be Yass Valley Council.

120. A suitably worded legal instrument must be implemented which permits Telstra to gain access to the Telstra pit in lot 'i' directly from Sutton Road.

121. To ensure legal and physical **access to Telstra infrastructure** in the R5 Large Lot Residential zone, a suitably worded legal instrument is to be implemented which creates a 3 metre wide access handle (easement) from the existing Sutton Road access gate and driveway, at the southern extent of proposed lot 'bq', to the existing Telstra Pit in proposed lot 'am'.

The legal mechanism must include provision for:

- (a) Telstra to have unrestricted access to this part of the site (i.e. 24 hours a day, 7 days a week).
- (b) The easement must remain unobstructed as so to allow a Telstra service vehicle to travel freely from one end of the easement to the other.
- (c) Access to the infrastructure/pits must be via the easement and access directly from Sutton Road (i.e. in front of the pit) is prohibited.

122. A suitably worded legal instrument must be implemented which indicates to all landowners within the Community Scheme that the **access way from Road 01 to Sutton Road**, located along the southern boundary of lot 'bq' is:

- (a) Intended to provide access for maintenance purposes to the Telstra 'easement' along Sutton Road
- (b) Not a public access way for everyday use
- (c) The gate/s associated with the access way must remain closed unless in use for emergency purposes.

123. A **non-potable water service main** (connection) must be installed from the communal bore to a point inside the front boundary of each lot created within the subdivision, as applicable.

124. A **Communal Water Management Statement (CWMS)**, for the supply of non-potable water to each lot, must be submitted to Council.

The CWMS must form part of a restrictive covenant under section 88B *Conveyancing Act 1919*, to which each lot is a beneficiary.

The CWMS must:

- Limit the total annual use of non-potable water from the reticulated community supply scheme to that which may be licenced by WaterNSW.
- Prescribe the arrangements, on-going management and maintenance of the water supply system.
- Provide for the equitable distribution of water including metering of water supply to each lot.
- Provide for the ability to introduce water supply restrictions during extended dry periods.

125. Any damage caused to **Council owned infrastructure or property** must be repaired or replaced at no cost to Council.

126. A **Subdivision Certificate Application** must be submitted to Council on the NSW Planning Portal.

The application is to be accompanied by the following:

- (a) A plan of subdivision (linen plan) acceptable for registration by the NSW Land and Property Information Office.
- (b) An Administration Sheet which incorporates a subdivision certificate acceptable for registration by the NSW Land and Property Information Office.
- (c) Where easements, rights of carriageway or restrictions on the use of land are proposed or required to be created under Section 88 of the *Conveyancing Act 1919*, a copy of the relevant instrument.
- (d) The relevant documents required by the NSW Land and Property Information Office for the registration of a Community scheme or a Strata scheme, if applicable.
- (e) The applicant must create, where applicable, 20 metre wide easements over the final plan of subdivision in favour of Essential Energy, centred on all existing power lines which cross the subdivision.
- (f) A copy of relevant development consent or complying development certificate.
- (g) A copy of any relevant construction certificate.

- (h) A copy of any relevant compliance certificates, letters from authorities and receipts for payment of any fees/contributions.
- (i) A copy of detailed subdivision engineering plans, where relevant.
- (j) Evidence that the applicant has complied with all conditions of consent that it is required to comply with before a subdivision certificate can be issued.
- (k) For subdivision involving subdivision work, evidence that the work has been completed, or:
 - Agreement has been reached with the relevant consent authority as to payment of the cost of work and as to the time for carrying out the work, or
 - Agreement has been reached with the relevant consent authority as to security to be given to the consent authority with respect to the completion of the work.
- (l) The relevant fee payment at the date of application for the subdivision certificate.

127. The subdivision certificate will not be issued until all conditions of this consent have been complied with in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*.

Right of Review by Applicant: [Division 8.2 EP&A Act](#) gives an applicant the right to have Council [review](#) the determination within 6 months after the date on which the notice of determination is received, if no appeal is made under s.8.7 EP&A Act.

Right of Appeal by Applicant: [S.8.7 EP&A Act](#) gives an applicant the right to appeal against the determination to the Land and Environment Court within 6 months after the date on which the notice of determination is received.

Right of Appeal by Objector: The EP&A Act makes no provision for an objector to appeal against the determination.

[s.9.45 EP&A Act](#) gives an objector the right to bring proceedings in the Land and Environment Court for an order to remedy or restrain a breach of the EP&A Act, within 3 months after the date on which public notice of the granting of a consent is given.

Signed on behalf of consent authority

Julie Rogers
Director Planning and Environment

25 April 2022

Advisory Notes Accompanying Development Consent DA200273

1. This consent has been granted under Clauses 4.1AA and 6.13 of *Yass Valley Local Environmental Plan 2013*.
2. This approval is for subdivision only. Further development consent is required for any proposed dwelling house or other permissible use, as prescribed in the relevant Environmental Planning Instruments of Council.
3. All fees and charges associated with this consent will be adjusted annually from the date of this consent in accordance with seasonal movements in the CPI for the Canberra region.
4. This development consent does not guarantee compliance with land specific agreements, by-laws, covenants, 88B restrictions, community management plans, or other similar development restrictions that may be applicable to the land. It is the responsibility of the land owner, applicant and developer to make their own enquiries in order to be satisfied that compliance with these restrictions has been achieved.
5. The applicant must ensure all sub-contractors are licensed by the NSW Department of Fair Trading.
6. All persons undertaking work in connection with this consent must ensure all required risk control measures and procedures are complied with.
The *Work Health and Safety Act 2011*, the *Work Health and Safety Regulation 2011* and various Australian Standards provide a comprehensive set of risk control measures and procedures for development sites. This legislation is administered by WorkCover New South Wales which has produced a variety of guidelines and other supporting documents for the information of developers.

APPENDIX A

NSW Natural Resources Access Regulator – General Terms of Approval



Natural Resources
Access Regulator

General Terms of Approval

for proposed development requiring approval under s89,
90 or 91 of the Water Management Act 2000

Reference Number:	IDAS1132260
Issue date of GTA:	24 September 2021
Type of Approval:	Controlled Activity
Location of work/activity:	Lot 5 DP838497, Sutton Rd, SUTTON NSW 2650
Waterfront Land:	Yass River
DA Number:	DA2020/273
LGA:	Yass Valley Council

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

Condition Number	Details
TC-G001	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
TC-G004	<p>A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application DA2020/273 provided by Council to Natural Resources Access Regulator.</p> <p>B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, must be notified in writing to determine if any variations to the GTA will be required.</p>
TC-G005	<p>A. The application for a controlled activity approval must include the following plan(s):</p> <ol style="list-style-type: none">Site plans indicating the demarcation of waterfront land, designated riparian corridors and identifying any areas of encroachments and offsetsDetailed civil construction plans;Construction staging plans;Subdivision staging plans;Construction streamworks plans;Construction watercourse crossing design plans;Erosion and sediment control plans;Construction detailed drainage plans;Construction stormwater drainage outlet plan;Vegetation management plan;Construction detailed bulk earthworks plans; <p>B. The plan(s) must be prepared in accordance with Natural Resources Access Regulator's guidelines located on the website https://www.dpie.nsw.gov.au/nrar/how-to-apply/controlled-activities/guidelines-for-controlled-activities</p>

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with IDAS1132260 as provided by Council:

- Statement of Environmental Effects, prepared by Planned TCC, dated 11 December 2020
- Subdivision Plan, prepared by Planned TCC, dated 9 December 2020
- Civil Plans, prepared by Spiire, dated 10 December 2020

APPENDIX B

NSW Rural Fire Service – General Terms of Approval



NSW RURAL FIRE SERVICE

Yass Valley Council
Locked Bag 6
YASS NSW 2582

Your reference: (CNR-17204) DA200273
Our reference: DA20210127000313-CL55-1

ATTENTION: Kate Baker

Date: Tuesday 18 January 2022

Dear Sir/Madam,

**Integrated Development Application
s100B - Subdivision - Community Title Subdivision
2090 SUTTON RD SUTTON NSW 2620, 1//DP1272209**

I refer to your correspondence dated 16/12/2021 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the submitted amended information. General Terms of Approval are now re-issued, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions.

General Conditions

1. The development proposal is to comply with the subdivision layout identified on the drawing prepared by Place Logic, titled DA Layout D numbered 105, dated 21/09/2021.
2. At the issue of a Subdivision Certificate, a suitably worded legal instrument shall be created over proposed Lots AE, BC to BE and CA to CD which requires;
 - Creation of building envelopes onsite in accordance with the subdivisions plan prepared by Place Logic, titled Subdivision DA Layout D, drawing number 105, revision 12, dated 21/09/2021;
 - Prohibits the construction of a residential dwelling outside of the building envelope;
 - New construction shall comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone area or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas - 2014 as appropriate and as amended by section 7.5 of *Planning for Bush Fire Protection 2019*; and,
 - Facilitates the ongoing legal management of APZs, as specified in Conditions 4 and 5 below.
 - To aid in fire fighting activities, unobstructed pedestrian access to the rear of the property or the extent of the APZ, shall be provided and is to be maintained at all times.
3. At the issue of a Subdivision Certificate, a suitably worded legal instrument shall be created over proposed Lot BF to BQ, which requires;
 - Future dwellings to be sited in a location which ensures that the building will not be exposed to radiant heat levels that exceed 12.5kW/m² (BAL 12.5);
 - New construction shall comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone area or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas - 2014 as appropriate and as amended by section 7.5 of *Planning for Bush Fire Protection 2019*;
 - To aid in fire fighting activities, unobstructed pedestrian access to the rear of the property shall be provided and is to be maintained at all times.

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

4. At the issue of a subdivision certificate for any stage, and in perpetuity, the entirety of all road reserves, community lots and proposed lots A to S, AA to AZ, BA, BB and BF to BQ shall be managed as an inner protection area (IPA) as outlined within section 5 and Appendix 4 of *Planning for Bush Fire Protection 2019* and the NSW Rural Fire Service's document *Standards for Asset Protection Zones*.

5. Prior to the release of subdivisions certificate for any stage, and in perpetuity, the area around the building envelopes of Lots AE, BC to BE, BQ and CA to CD shall be managed as outlined within section 5.3 and Appendix 4 of *Planning for Bush Fire Protection 2019* and the NSW Rural Fire Service's document *Standards for Asset Protection Zones* as follows:

Proposed Lot AE

- East Direction: IPA for a minimum distance of 32 metres.

Proposed Lot BC

- All Directions: IPA for a minimum distance of 39 metres.

Proposed Lot BD

- North, East and South Directions: IPA for a minimum distance of 39 metres; and,
- West Direction: IPA for a minimum distance of 26 metres.

Proposed Lot BE

- North, East and West Directions: IPA for a minimum distance of 39 metres; and,
- South Direction: IPA for a minimum distance of 26 metres.

Proposed Lot BQ

- South Direction: IPA for a minimum distance of 26 metres.

Proposed lot CA

- North, East and South Directions: Inner Protection Area (IPA) for a minimum distance of 39 metres; and,
- West Direction: IPA for a minimum distance of 32 metres.

Proposed Lot CB

- North and East Directions: IPA for a minimum distance of 39 metres;
- South Direction: IPA for a minimum distance of 26 metres; and,
- West Direction: IPA for a minimum distance of 32 metres.

Proposed Lot CC

- All Directions: IPA for a minimum distance of 39 metres.

Proposed Lot CD

- North and West Directions: IPA for a minimum distance of 26 metres; and,
- East and South Directions: IPA for a minimum distance of 39 metres.

6. Where the APZs specified in Condition 5 above extend outside of the property boundary they shall be covered by a suitably worded legal instrument such as a Section 88B instrument under the Conveyancing Act 1919. The legal instrument shall facilitate the lawful ability to create and manage the APZ for the life of the development.

Access – Public Roads

The intent of measures is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

7. Perimeter roads must comply with the general requirements outlined in Table 5.3b of Planning for Bush Fire Protection 2019 and the following:

- Are two-way sealed roads;
- Have a minimum 8 metres carriageway width kerb to kerb;
- Parking is provided outside of the carriageway width;
- Hydrants are located clear of parking areas;
- Curves of roads have a minimum inner radius of 6 metres;
- The maximum grade road is 15 degrees and average grade of not more than 10 degrees;
- The road crossfall does not exceed 3 degrees; and
- A minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches, is provided.

8. Non-perimeter roads must comply with the general requirements outlined in Table 5.3b of Planning for Bush Fire Protection 2019 and the following:

- Are two-way sealed roads;
- Have a minimum 5.5 metres carriageway width kerb to kerb;
- Parking is provided outside of the carriageway width;
- Hydrants are located clear of parking areas;
- Curves of roads have a minimum inner radius of 6 metres;
- The road cross fall does not exceed 3 degrees; and
- A minimum vertical clearance of 4 metres to any overhanging obstruction, including tree branches, is provided.

9. Emergency access to Old Federal Highway shall be constructed to comply with non-perimeter road standards as detailed in condition 8 above and shall be ungated/unobstructed.

10. Temporary turning heads must be provided to temporary dead end roads incorporating either a minimum 12 metre radius turning circle or turning heads compliant with A3.3. Vehicle turning head requirements of *Planning for Bush Fire Protection 2019*. The turning areas may be removed upon opening of future proposed through roads.

Access – Property Access

The intent of measures is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

11. Property access roads must comply with the following requirements of Planning for Bush Fire Protection 2019:

- property access roads are two-wheel drive, allweather roads;
- the capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes), bridges and causeways are to clearly indicate load rating.
- hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005;
- there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available;
- at least one alternative property access road is provided for individual dwellings or groups of dwellings that are located more than 200 metres from a public through road;
- minimum 4m carriageway width;
- in forest, woodland and heath situations, rural property roads have passing bays every 200m that are 20m long by 2m wide, making a minimum trafficable width of 6m, at the passing bay;
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;
- property access must provide a suitable turning area in accordance with Appendix 3;
- curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;
- the minimum distance between inner and outer curves is 6m;
- the crossfall is not more than 10 degrees;
- maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads; and
- a development comprising more than three dwellings has formalised access by dedication of a road and not by right of way.

Note: Some short constrictions in the access may be accepted where they are not less than 3.5m wide, extend for no more than 30m and where the obstruction cannot be reasonably avoided or removed. The gradients applicable to public roads also apply to community style development property access roads in addition to the above.

Water and Utility Services

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

12. The provision of water, electricity and gas must comply with the following in accordance with Table 5.3c of *Planning for Bush Fire Protection 2019*:

- Reticulated water is to be provided to the development where available;
- Fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2005;
- Hydrants are and not located within any road carriageway;
- Reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
- Fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005;
- All above-ground water service pipes are metal, including and up to any taps;
- Where practicable, electrical transmission lines are underground;
- Where overhead, electrical transmission lines are proposed as follows:
 - Lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - No part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- Reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- Reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used;
- All fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- Connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
- Above-ground gas service pipes are metal, including and up to any outlets.

General Advice - Consent Authority to Note

- Development applications lodged on lots created within this subdivision may be subject to further assessment under the Environmental Planning & Assessment Act 1979.
- The proposed subdivision relies on a performance solution to demonstrate compliance with the aims and objectives of Planning for Bushfire Protection due to departures from the acceptable solutions for access (i.e. lack of perimeter roads, through roads and secondary access). The performance solution imposed BAL 12.5 APZs and future construction to BAL 29 for lots impacted.
- It is noted as part of the NSW Rural Fires Service Assessment some portions of the submitted bushfire reports hazard assessment could not be verified. This has resulted in the APZs in some areas being larger than those specified in the submitted report.

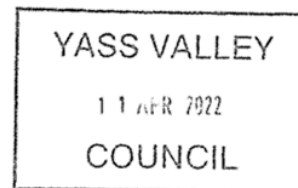
This letter is in response to an assessment of the application based on the submitted further information and supersedes our previous general terms of approval dated 25/05/2021.

For any queries regarding this correspondence, please contact Anna Jones on 1300 NSW RFS.

Yours sincerely,

Michael Gray
Manager Planning & Environment Services
Built & Natural Environment

The General Manager
Yass Valley Council
PO Box 6
YASS NSW 2582



Dear Sir,

I would like to provide some comments on the naming of the new Walker Park Grandstand and how a compromise could be reached.

I would firstly like to admit that I was involved in the drafting of the original submission from the Yass United Rugby League Football Club into the naming of the stand. Unfortunately, I assumed that Colin 'Yic' York would be automatically accepted, and that Kenny Bell might have been an issue which was not the case.

As explained in Tim Clayton's presentation to council in March, it was always the football club's intention to have dual naming of the stand. A simple way for that to be achieved is to call it the Bell-York stand which could be put in the middle with the names of the two either side. You only have to look across the border to GIO Stadium, home to the Canberra Raiders and the ACT Brumbies, where they have the Gregan-Larkham stand. There has never been any issues that I am aware of the dual naming, and it has been accepted by the thousands of people who attend the venue.

The other main users of the top ground at Walker Park (Jim Beck Oval) in Touch and the Minor Rugby League have also given their blessing for the dual naming. Their support was included with the original submission.

There is no argument from me that Kenny Bell should be included, he has been a friend of mine for many years, and it is a deserving accolade. I do believe however, that Colin 'Yic' York also deserves a similar accolade for his achievements that have largely been forgotten by the local community.

It has now become apparent that Colin's lack of community service counted against him, and I would like the following to be taken into consideration when the final decision is taken.

Colin was born in 1904, the youngest of seven children. His father deserted the family shortly after his birth so his upbringing would have been extremely tough.

Yass and indeed Australia in the 1920's was a completely different place than what we know 100 years on. You have to understand to be a member of the 'important' town organisations of the day (i.e. Council, Hospital Board, Soldiers Memorial Hall Committee) you had to be of a certain social standing. Colin, being brought up in near poverty by a single mother did not qualify.

Colin did however, represent the players on the football club committee but was not allowed to stand for an executive position as he was current player. He may well have been a part of other community or charitable organisations but as he died 40 years ago, all I have is newspaper reports from the day to derive the information from.

All I do know is that he was a hard-working well-respected employee, firstly at the local Gas Works and later with the DMR. But you cannot underestimate the effect and importance of his selection in the Australian Rugby League side on the town back then.

Pre-war, Rugby League matches all around the district were big events and with the depression in full swing, gave the local communities something to look forward to. Upon Yic's selection in the Australian side, literally half the population of Yass would turn up at Victoria Park just to watch him play. To the scruffy underclass, he was one of them who had achieved something very special and the fact that he played most of his career here instead of chasing the big bucks elsewhere shows how much Yass meant to him as well.

Upon his retirement in 1936, a public subscription was held that raised just under ten pounds which equated to around 3 weeks pay back then. A cheque was presented to him by the mayor who expressed his gratitude to Colin for his services to the town.

The federal member for Hume, Tom Collins MHR wrote in the Yass Courier on 19/10/1936 -

MR. COLIN YORK

Mr. Tom Collins, M.H.R., writes:—
I have noticed in the "Tribune-Courier," the intention of Mr. Colin York to retire from the football field, after a most brilliant career, during the course of which this sterling Yassite ascended to international status, and it is pleasing to learn that a public testimonial is to be tendered him, and as an admirer of this player and as a football enthusiast, I have pleasure in adding my small contribution to the list.

I have seen Colin in action against the world's best players in Sydney, where he played interstate and international football and I was always impressed by his clean, honest play, always ready to give of his best, and in doing so, he met his opponents in that great spirit of friendly rivalry; standing aloof from the "basher" tactics unfortunately practised by some of our leading players, and in doing so, Colin set a standard of sportsmanship so worthy of emulation by the budding players of to-day.

On or off the field of play, Colin's manly bearing and genial disposition always commanded the respect of his fellow men and as he is the first Yass native to gain international honours on the football field, I knew that the sporting public of Yass will rally to give tangible expression of their appreciation of the success achieved by this local.

(Contribution of 10/- is acknowledged.—Ed. T.C.)

Unfortunately, World War 2 came along and his name was largely forgotten. Colin 'Yic' York the first ever Yass sportsperson to have the honour to represent Australia and yet there is not one thing in Yass to remember him by. We have streets names after architects and former mayors etc but nothing named after a forgotten hero who had a major effect on the town and its people in the 1920's and 30's. This to me, this is to right a wrong.

Being the oldest rugby league club in the Canberra District, the Magpies have embraced their 100 years plus history. The naming the Grandstand the Bell/York stand, provides a link to not only the

present with Kenny but also the past with Colin York. That is important to the club, and it will provide a permanent reminder not only to local rugby league followers, but to the Yass Township itself of his deeds.

For the reasons above, I urge council to agree to the Bell/York dual naming of the Walker Park Grandstand.



11 April 2022